

# HARRY EUGENE CLAIBORNE

Interviewee: Harry Eugene Claiborne

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## Description

The life of Harry Eugene Claiborne, born July 2, 1917, had many chapters, from a rural childhood in McRae, Arkansas, to the neon lights of Las Vegas, Nevada; it was a varied life that would eventually put him in the crosshairs of a federal Strike Force investigating and prosecuting organized crime.

At 84 years of age, Mr. Claiborne recalls his life and career with clarity, insight, goodwill, and the humor of a skilled comedian with perfect timing. Like his adopted state of Nevada, Mr. Claiborne was resilient and fiercely independent. His memories of his childhood, law school, the military, law enforcement, early Las Vegas, and establishing a larger-than-life career as a criminal defense attorney, come across with sincerity and humanity. Mr. Claiborne's oral history is a moving target in subject, time, and place, yet his stories as a lawyer-advocate for the powerful and the powerless are recalled in detail. He had defenders and detractors, but few voiced an opinion that he was *not* one of Nevada's most gifted criminal defense attorneys.

For the reader looking for a contextual telling of the Harry Claiborne story, there is J. Bruce Alverson's *Flamboyant Lawyer in a Maverick Western Town: Las Vegas through the Eyes of Harry Claiborne* (Las Vegas, Nevada: J. Bruce Alverson, Alverson Taylor Mortensen & Sanders, 2011). Mr. Claiborne's oral history, in his "Arky," folksy, at times grammatically incorrect and often profane words, and Alverson's analysis are a start. Mr. Claiborne's fall from a federal judgeship to prison and U. S. Senate impeachment is also a story about Nevada—the story of a frontier, in some minds a "rogue" state, that for many years had been left to its own devices, for good and bad.

During his Senate impeachment hearing, Mr. Claiborne said, "Somewhere, someplace, someone is going to take the time to listen to my story." Following his release from prison, Harry Claiborne returned to Las Vegas and continued the practice of law. Attempts to disbar him by the State Bar of Nevada failed. He died in 2004.

The oral history interviews with Harry Eugene Claiborne were part of the Nevada Legal Oral History Project, a joint effort of the Nevada Judicial Historical Society, the Ninth Judicial Circuit Historical Society, and the University of Nevada Oral History Program.



**HARRY EUGENE CLAIBORNE**

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An Oral History Conducted by J. Bruce Alverson  
Edited by Patricia A. Cooper-Smith

University of Nevada Oral History Program

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## PREFACE

Established in 1964, the University of Nevada Oral History Program (UNOHP) explores the remembered past through rigorous oral history interviewing, creating a record for present and future researchers. The program's collection of primary source oral histories is an important body of information about significant events, people, places, and activities in twentieth and twenty-first century Nevada and the West.

The UNOHP wishes to make the information in its oral histories accessible to a broad range of patrons. To achieve this goal, its transcripts must speak with an intelligible voice. However, no type font contains symbols for physical gestures and vocal modulations which are integral parts of verbal communication. When human speech is represented in print, stripped of these signals, the result can be a morass of seemingly tangled syntax and incomplete sentences—totally verbatim transcripts sometimes verge on incoherence. Therefore, this transcript has been lightly edited.

While taking great pains not to alter meaning in any way, the editor may have removed false starts, redundancies, and the “uhs,” “ahs,” and other noises with which speech is often liberally sprinkled; compressed some passages which, in unaltered form, misrepresent the chronicler's meaning; and relocated some material to place information in its intended context. Laughter is represented with [laughter] at the end of a sentence in which it occurs, and ellipses are used to indicate that a statement has been interrupted or is incomplete...or that there is a pause for dramatic effect.

As with all of our oral histories, while we can vouch for the authenticity of the interviews in the UNOHP collection, we advise readers to keep in mind that these are remembered pasts, and we do not claim that the recollections are entirely free of error. We can state, however, that the transcripts accurately reflect the oral history recordings on which they were based. Accordingly, each transcript should be approached with the

same prudence that the intelligent reader exercises when consulting government records, newspaper accounts, diaries, and other sources of historical information. All statements made here constitute the remembrance or opinions of the individuals who were interviewed, and not the opinions of the UNOHP.

For more information on the UNOHP or any of its publications, please contact the University of Nevada Oral History Program at Mail Stop 0324, University of Nevada, Reno, NV, 89557-0324 or by calling 775/784-6932.

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## INTRODUCTION

The life of Harry Eugene Claiborne had many chapters, from rural McRae, Arkansas to the neon lights of Las Vegas, Nevada. From his years as a rural farm boy who started a rabbit business at ten to a federal judgeship, imprisonment, and impeachment for tax evasion by the U. S. Senate, his was a varied life that eventually put him in the crosshairs of a federal Strike Force investigating and prosecuting organized crime.

At 84 years of age, Mr. Claiborne recalls his life and career with clarity, insight, goodwill, and the humor of a skilled comedian with perfect timing. Explaining the “Claiborne mythology,” a term employed by Brian Greenspun, is a high bar.<sup>1</sup> Like his adopted state of Nevada, Mr. Claiborne was resilient and fiercely independent. His memories of his childhood, law school, the military, law enforcement, early Las Vegas, and establishing a larger-than-life career as a criminal defense attorney, come across with sincerity and humanity.

Mr. Claiborne’s oral history is a moving target in subject, time, and place, yet his

stories of being a lawyer-advocate for the powerful and the powerless are recalled in detail. Many recollections include vibrant and provocatively enticing side-stories and anecdotes. Topics discussed within the oral history are not limited to those listed in the chapter titles. In the end, Mr. Claiborne had defenders and detractors, but few voiced an opinion that he was *not* one of Nevada’s most gifted criminal defense attorneys.

For the reader looking for a contextual telling of the Harry Claiborne story, there is J. Bruce Alverson’s *Flamboyant Lawyer in a Maverick Western Town: Las Vegas through the Eyes of Harry Claiborne*, (Las Vegas, Nevada: J. Bruce Alverson, Alverson Taylor Mortensen & Sanders, 2011). Alverson, a historian and lawyer, looks at Harry Claiborne’s life during a tumultuous time when Las Vegas and Nevada were emerging from a “good ole boy” patronage system into corporate dominance.

Harry Claiborne’s story begs the question: Where and how do you separate the man from the myth? Mr. Claiborne’s oral history, in his “Arky,” folksy, at times grammatically

incorrect and often profane words, and Alverson's analysis are a start. Mr. Claiborne's fall from a federal judgeship to prison and U.S. Senate impeachment is also a story about Nevada—the story of a frontier, in some minds a “rogue” state, that for many years had been left to its own devices, for good and bad. Alverson refers to the “Claiborne era” spanning the years from the end of World War II to 1978, a time when “Las Vegas did what it wanted without much federal intervention.... Political corruption was rampant.” That was all about to change.

During his Senate impeachment hearing, Mr. Claiborne said, “Somewhere, someplace, someone is going to take the time to listen to my story.”<sup>2</sup> Now may be the time. Following his release from prison, Harry Claiborne returned to Las Vegas and continued the practice of law. Attempts to disbar him by the State Bar of Nevada failed.<sup>3</sup> He died in 2004.

J. Bruce Alverson conducted oral history interviews with Harry Eugene Claiborne (1917-2004) in 2002 and 2003 at Mr. Alverson's office in Las Vegas, Nevada, as part of the Nevada Legal Oral History Project, a joint effort of the Ninth Judicial Circuit Historical Society (NJCHS), the Nevada Judicial Historical Society (NJHS), and the UNOHP. Begun in 2001, the project was intended to record the life stories of leading members of Nevada's legal profession and to educate the public about law and the courts by making those stories widely available through various media.

Members of the boards of NJHS and NJCHS compiled and vetted lists of potential narrators, ultimately selecting representatives from both the state and federal benches and bars. The UNOHP, under the direction of Tom King and his successor Mary Larson, recommended interviewers, most of whom were professional oral historians, and donated

equipment and transcription services. Brad Williams, of NJCHS, coordinated the project from its inception. Susan Southwick, of NJHS, oversaw that group's participation. Patricia Cooper-Smith completed the copyediting and introductions. Alicia Barber, Director of the UNOHP since 2009, supervised the project's final publication and dissemination. The project was made possible by a generous challenge grant from the John Ben Snow Memorial Trust, with matching funds provided by the U.S. District Court for Nevada Attorney Admissions Fund, the Washoe County Courthouse Preservation Fund, and the Nevada State Bar. Thanks go to Susan Southwick and the Board of Trustees of NJHS, and to J. Bruce Alverson, who interviewed Harry E. Claiborne.

Patricia A. Cooper-Smith  
Carson City, Nevada  
June 2013

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1. Brian Greenspun, “A pillar of real Las Vegas,” *Las Vegas Sun*, Jan. 22, 2004.

2. Editorial, *Las Vegas Sun*, Jan. 22, 2004.

3. See *State Bar of Nevada v. Claiborne*, 756 P.2d 464 (1988).



HARRY EUGENE CLAIBORNE  
CIRCA 1970S



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## YOUTH, EDUCATION, AND MILITARY SERVICE

*Bruce Alverson: Tell me your full name.*

Harry E. Claiborne: Harry Eugene Claiborne.

*When were you born?*

July 2, 1917.

*Where?*

In a little town called McRae, Arkansas.

*Where is that?*

It's central part of Arkansas in White County.

*How far would that be from Little Rock?*

Fifty-eight miles.

*How long did you live in that little town?*

Until I went away to college, and I never went back after that.

*Tell me a little bit about your parents. What's your dad's name?*

My dad's name was Arthur and my mother's name was Minnie. My mother was a schoolteacher and she taught school for, believe it or not, fifty-one years. She lived to be ninety-six years old and was in excellent physical and mental shape up until about six months before she died. She was absolutely amazing.

*What did your dad do?*

He was a farmer.

*You lived on a farm?*

Yes.

*Can you give me some idea as to the size of the farm, the type of farming you did?*

Well, we had a very interesting piece of history as far as the farm is concerned. My great grandfather had a French land grant

for three thousand acres in Arkansas. This was, I think, before the Louisiana Purchase, I'm not sure. Could have been my great-great grandfather. I'm not very cognizant of my family history, unfortunately. But he took some slaves and went across the Mississippi River, as I understand, at about where Natchez is. They went across on a log raft.

All of eastern Arkansas at that time was in swamps. Apparently, the bank of the Mississippi on the Arkansas side was lower than the bank on the Mississippi side. It caused the river, when it overflowed, to pour into what is now, or eventually became, eastern Arkansas. When he hit high ground, he looked at the soil and he knew the soil was very good. So he surveyed off what he thought was three thousand acres. I don't know, it might have been two . . .

*Whatever the survey was.*

Whatever it was. I do recall when I was in law school, I had been back for a visit in the summer, and I was talking to the county surveyor. He said, "Well, the old home place out there in your area is one of the basic surveyor points for the whole county." I said, "Well, I didn't know that." He said, "I understand your great grandpa surveyed that farm. I understand from history he was a helluva guide but he was a damn poor surveyor." I said, "Well, I have an idea he didn't cheat himself." My grandfather, when his kids began to marry, would give them sixty acres or forty acres so he could keep his family around him. And of course, my dad got fifty acres and then Kurt was sixty acres more and it was 120-acre farm. That was where I was raised.

*What type of farming would it have been?*

Well, at that time everybody raised cotton. I guess my dad was one of the first farmers in that county who began to rotate crops and began to raise other crops for the market. He was a big strawberry producer, but the principal crop for everybody in that country was cotton.

*How old was your dad when you were born?*

I don't know, I think my dad was about twenty-five or twenty-six.

*So he's back before the turn of the century, probably.*

Yes.

*Now your mom lived until she was ninety-six. Did she stay in Arkansas?*

She started teaching school when she was eighteen years old. She taught in what then was a one-teacher school that taught all grades up, I guess, till the fifth or sixth grade as country schools were in those days. Then she graduated, she says, to a three-teacher school, which was a good thing. Eventually she taught for years in Little Rock School as a teacher.

*Was she your teacher when you were going to school?*

I never had my mother for a teacher and I'm very happy about that. My brother went to school with her. He was always griping because he felt my mother picked on him, and she always said she was a little rougher on him than she was on other students because she didn't want to show favoritism. I'm pretty sure that was true. But it was a bad year for



my brother. I know he grumbled all the way through it.

*Let's talk a little bit about your siblings. How many brothers and sisters?*

I had one sister and one brother.

*Your sister's name?*

My sister was named Mildred. My brother's name was Walter. But he had a nickname of Buster, and I doubt that anybody that ever knew him ever knew what his first name was.

*How old were Mildred and Buster in comparison with you?*

My brother was four years older than I was. My sister was two years older than he was. My sister was killed when she was sixteen in an accident—an automobile accident. My brother died when he was sixty-eight.

*Was he living in Arkansas?*

Yes.

*What became of the farm? Did your brother run the farm?*

My oldest daughter lives on that farm now. She was, of course, living in Las Vegas, working as an accountant for the MGM. She and her husband got a divorce and she wanted to get away. She came to me and she asked me if she could have the farm and I said sure. She moved to Arkansas. She's still there.

*When did she move there?*

Probably twelve to fourteen years ago. She remodeled the old farmhouse. She should have torn it down and rebuilt. It cost more money to remodel, but she did a beautiful job. She's comfortable there and she likes it. She works for the Corporation Commission of the State of Arkansas in Little Rock.

I have three daughters and they're delightful. My youngest is a teacher at Syracuse University. [Nancy]. She's forty-six. She almost has her tenure in. She got her bachelor's from Oregon, her master's from UCLA and her PhD from Penn State.

*Did she grow up in Las Vegas?*

Oh, yeah.

*And what about your middle daughter?*

She's in Irvine, California. She's the county librarian. [Janice] Top head there for years. She's forty-eight, and then my oldest daughter [Carol] is fifty.

*Is she the one that lives back on the family farm?*

Yeah, but she works in Little Rock too. She works for the state. She's the executive secretary of the state corporation commission.

*So the farm is close enough that you can commute into Little Rock?*

Well it isn't to me, but she doesn't seem to mind. It's forty-eight miles. So she drives a 100 miles a day.

*What is her name?*

Carol.

*Carol. And the middle one is?*

The middle one is Janice and the youngest is Nancy.

*When your mom and dad passed away, did the farm sit vacant for a period of time?*

Oh, no.

*What became of it?*

My dad died of a heart attack and, at that time, they had moved off the farm, moved into town, and turned the farm over to my brother. And, of course, my mother outlived my brother. When he died, his wife and children lived on the farm until my mother died. When my mother died, she left her home to my brother's wife and children.

*So they moved over there.*

So I took over the farm, of course. They didn't need it any longer, didn't use it. I rented it out for several years to a cousin of mine, which was never very profitable. But it kept it from growing up. And he maintained the house and kept it in good shape.

*What year did your dad die?*

Gosh. I regret to say I really don't know.

*How old do you think he was?*

He was seventy-nine.

*And your mom, when she died?*

My mother died in 1983.

*Were they about the same age?*

Yes. I think my dad was two years older than my mother.

*Your dad was born right there on the farm?*

Yes. He was born there.

*Your mom lived around the area?*

My mother was born and raised in Little Rock. Her father was an engineer on the Missouri-Pacific Railroad—MoPac. My dad was a very good baseball player as was my brother, and so was I. My dad was playing a baseball game in Little Rock. My mother went to the game with two of her sisters, and that's where she met my dad. Later on, he started—as they used the term in that country—courting her. Then they got married and she continued to teach school, but she hated the farm. She hated the farm.

*Was the farm quite a ways away from town?*

Well, four-and-a-half miles from a little town called McRae. My brother and I, we rode horses from the farm to the town to school. I can't say that I used to walk five miles to school.

*Back then, was it customary that the kids would work on the farm during the summer?*

Oh, God, yes. Oh, yes. I started plowing when I was so small I had to reach up like this to hold the plow handles.

*Was it being pulled by a horse or a mule?*

Oh yeah, a mule.

*How old do you think you were?*

I would say eight years old.

*Probably the same with your brother?*

Yep. My brother's the same way. I had no pleasant experiences in my farm life. It's hard. My dad was the hardest working man I've ever seen in my whole life. He worked all the time on that farm and there's always so much to do. That's a lot of acreage for a man to farm with just two kids. At best, it's a struggling life.

We lived well until the Depression. I guess I carried them through the Depression pretty well. Being farmers we had everything but the basic foods like salt, sugar. In those days they all used lard. Coffee, sugar, and lard—what they called staples—they had to buy. Nobody had any money in those days. Of course, I was just a kid, and, I guess, probably ten years old. I guess the Depression was 1927-1928 and probably 1929 too—up until the thirties—whenever [President Herbert] Hoover got beat—[President Franklin] Roosevelt was in 1932.

I hunted all the time and still have, my whole life. I had a dog and I hunted coon nearly every night. I never did anything with my hides. One day I'm in the only gas station and garage that was in this little old burg. The guy that owned it said, "You know, there was a fella in here inquiring about you," and I said, "Yeah?" He said, "He knows somebody that told him somewhere that you do a lot of hunting and he wants some kind of deal with you." I said, "Well, I'm around here." He says, "Well, I didn't want to tell him where you lived or anything until I talked to you." I says, "Well, you can tell him." But that's how they are in that country. They aren't going to say, "Yeah, yeah he lives right down there, keep going down this country road, and you'll see his house."

Well, the guy drove up in a car one day and I happened to be out in the front yard. My brother was a pitcher and I was an infielder.

My brother was pitching to me when he drove up. He said, "Which one of you is Harry?" I said, "Me." So, to make a long story short, I made a deal with him. He wanted rabbits. I said, "Well the country's full of rabbits." He said, "I'll give you six cents for every rabbit." I said, "Well, how's this going to work? I kill a rabbit and I clean a rabbit and what the hell am I going to do with it?" He said, "Well, I'm through McRae every day. Just take them into the gas station and leave them." I said, "Just take them in and leave them?" He said, "Yeah." I'm thinking about it. He said, "I figured you'd take them in as you go to school, right?" I said, "Yeah." He said, "I'm always through there by 9:15 or 9:30." I said, "OK."

Well, we had no refrigeration or anything like that. Of course, late fall or the wintertime, you didn't have to worry about it anyhow. But I started making rabbit traps. I didn't want to shoot them because you didn't have money enough to buy shells. I made rabbit traps—I went down into the woods and found hollow logs and bored two holes in the top. I ran a stick across, hooked to a door that slid down in the log, closed up the back end of it with a piece of board, and put an ear of corn in there.

There were rabbit runs all over that country, and you'd just set it in the end of one of those rabbit runs. I made twelve traps. God, every morning I'd have at least four rabbits. I can never remember having less than four. I'd get up in the morning and I had a cow to milk, my brother had a cow to milk. I'd run down and milk my cow, bring the wood in for the cook stove—one of those huge old iron cook stoves with a water bin on one end and another one at the top. That goddamn stove would burn about a cord of wood an hour. So I had to bring wood in and put it in the wood box behind the stove before I went to school. Then I'd run my traps. Come back and clean

out the rabbits, wrap them in newspaper, jump on my horse and go to school. And leave my rabbits on the way.

*How old were you at that time?*

Oh, God, I guess ten years old maybe. But hell, I was making twenty-five cents a day.

*How long were you in the rabbit business?*

Oh, two years. Except in the summer, rabbits were no good. I'd take the money and my dad could buy coffee, lard, and sugar all winter long. So, I was a tremendous help to them.

*Where would you go to high school? In McRae as well?*

That's correct—yes.

*What year did you graduate?*

1932.

*What was the education of your dad?*

My dad had finished the fifth grade.

*Your mom?*

She had a bachelor's of arts degree that she got after she started teaching.

*She had a college degree?*

Oh, yes. Every summer she went to Arkansas Teachers College. And eventually graduated with a BA degree.

*That was unusual in that day for a woman to have a college degree wasn't it?*

Yep. Oh, yeah.

*When you finished high school, what did you have in store for yourself?*

I was going to play baseball.

*Tell me a little bit about it.*

Truthfully, my ambition was to be a professional baseball player when I was a kid. But I think that's an ambition of a lot of kids. In those days, baseball was *the* sport. It was truly the national pastime.

But I was fascinated with the courts. My grandfather was a patriarch of the whole community. In those days, jurors were not selected at random. The judge selected the venire by himself. He'd select the grand jury and the petit jury. He'd select prominent people of the community—probably the same people every year. Most of the time there weren't very many new faces among the grand jury—it was almost the same people every year.

My grandfather was always on either the grand jury or the petit jury. When he was on the jury, he used to take me as a kid. The courthouse sat on a court square. It was a magnificent old building. Inside the windows was almost like a seat. I don't know what you call that. I guess architecturally it has a name. But all the windows had a bench-like extended out from the window. My grandfather would take me in with him and he'd set me on that bench in front of the window. I'm little, I mean a little guy. I'd watch all the old lawyers. The judges weren't very knowledgeable as far as rules of evidence are concerned. The trials were amusing, many times—some great orators among those old lawyers. They all wore blue serge suits. They had watch chains coming out of their vests. I always wondered,

I never saw one of them pull a watch out. I doubt some of them had a watch. But anyway, the chain was anchored in each side of the vest. All dressed the same. They very seldom ever cleaned their suits because if they turned around, you could almost part your hair in the seat of the pants. But it was great, those old lawyers. It was tremendously interesting to see them work and I couldn't wait for court session to start with my grandpa.

I was my grandpa's pet. I was with him all the time—almost inseparable. I don't think my grandfather ever went to town that he didn't take me. I know that he never went to church that he didn't take me. And then, later on, it became my job to take my grandfather to church. I'd drive a horse and buggy from his house. My grandma had died. Get up on a Sunday morning, go down and catch his horse from the pasture, harness her and hook her to the buggy and drive it around to the front, tied the horse up, and then I'd go back to my home and dress cause I was always wet from the dew in the grass, change my clothes, go back and drive my grandpa to both services, the daytime and the night service. He was a very religious man—tremendous human being.

*What religion was he?*

He was a Baptist.

*What was his name?*

His name was Arthur. My grandpa's name was Arthur Smith, that was his middle name, Arthur Smith Claiborne.

*Your dad's middle name was what?*

Arthur A. But I don't know what the A stood for. To this day, I don't know.

*Your grandfather—his occupation was farmer?*

Yes.

*How many acres did you think he was farming?*

About five hundred.

*Considerably bigger than your dad's farm.*

Oh, yeah. Oh, yeah. He had lots of help. In the later years when he got old, he had a lot of tenant farmers. He'd turn twenty to forty acres over to some other man to farm for a percentage.

*What was his education?*

I really don't know. But I do know that he was well read. I suspect that he was probably as high as the sixth grade. Back in those years . . .

*Sixth grade wasn't bad back in those days.*

Very seldom did you find anybody going that far in school.

*Do you have any time frames when he was born and died?*

My grandpa?

Yes.

I have no idea. As I've said, I know less about my family tree probably than anybody around. Now I have a daughter who pretty well studies it all. About all I know is what she has told me; I never, never was interested in that. I know that my grandpa used to tell me he was a kid during the Civil War. He was too young to be in the war.

*That gives us some time frame doesn't it?*

Yes. One time he was telling me about what he called the Yankee troops, came and took everything they had to eat. All their hogs and all the cattle and drove them away. One white horse had gotten away that they [the Yankees] couldn't catch. It was his job as a kid to take the white horse—cane breaks all the country and along the stream. They would stake the horse out in the cane breaks, so that she wouldn't be seized. That's the only horse they had to put in a crop with, but there was nobody to sell it to anyway.

Anyhow, later on, I became to doubt the stories and then later on I discovered the correctness of it and then I felt guilty. I found out the only real Civil War battle was fought—the Battle of Pearidge—in Arkansas, which is very close to Missouri's and Tennessee's border. My grandpa's farm was in eastern Arkansas. I just knew that didn't happen. I became somewhat of a Civil War buff. I was sent a book on the Civil War and it happened that a lot of it was about the Battle of Memphis. The Union commander, of all people, was John Fremont. John Fremont sent up the White River for a detachment of troops that had been stationed there to help. They mentioned the place as being called Dead Hawk, which was twenty miles from my grandpa's farm. And so I read this, and I just stopped reading, and I said, "Forgive me, Grandpa."

*You indicated that your great-grandfather was in the Civil War and was killed at Chancellorville.*

I don't know too much about it. All I know is he was a colonel. He was a colonel of a cavalry unit, a regiment in Lee's army. I know it was called the seventh brigade or regiment,

one or the other, in Lee's army. I guess they never got any notoriety of any kind because Stewart was a great cavalry general.

*How did you come about this information?*

My grandfather told me.

*Where was your great-grandfather living at the time when the Civil War broke out?*

He was living in Louisiana.

*It's your understanding that he was killed towards the end of the battle of Chancellorville?*

I don't know at what stage of the battle he was killed. All I know is what my grandfather told me. I'm kind of a Civil War buff. I used to read, and I looked for his name. Never could find it. I began to believe my grandfather was bullshitting me. [laughter] I never seen him mentioned anywhere in any of the Civil War books that I had read. I corresponded with a lot of guys about who were the Civil War buffs. Some guy sent me a book and there it said, "Lee's Army"—the whole book *Lee's Army*. In there I saw a colonel, seventh cavalry. In the back it had a whole bunch of officers that were killed, and the battles that they were killed in, and his name was there. So I said, "Forgive me grandfather." [laughter]

*Did your grandfather have children other than your father?*

Oh, yes.

*How many kids did he have?*

They had ten. My dad was the youngest.

*How many of them were boys?*



Four boys, six girls.

*Did they all stay around and farm?*

No, they didn't. All that wanted to stay, he gave them farms. Some of them, I guess, already had some places they wanted to live. All the boys stayed in that area.

*They just didn't farm.*

No.

*Other than your dad, how many of the boys farmed?*

Of his brothers, there were two, and, of course, one of his sisters. Would have only been three. Four kids stayed there at the farm.

*When you got out of high school, you had dreams of playing baseball. Dizzy Dean was from Arkansas, wasn't he?*

Yeah. He's from over in a little place called Nina.

*Preacher Roe?*

Oh yeah. Yeah. Bill Dickey. A lot of professional baseball players were. In fact, there was one from the little town of McRae, Goldie Holt, who played for Pittsburgh, third baseman for Pittsburgh. I don't know what Goldie's first name was, Bobbie Goldwyn? But I knew him real well. He used to bring me his glove at the end of the season and give me his glove every year. During the winter, I would work out with him a lot. Bill Dickey was born and raised fifteen miles from this little town. I believe it was the town of Kensett; I'm not sure. But it was close. He

was a catcher for the Yankees for many years. And a great ball player.

*Now how much older was he than you?*

Oh, a lot older. He was my brother's age. My brother hunted with him every winter. Bill Dickey loved to bird hunt. My brother bird hunted with him for many, many years. A lot of great baseball players right around in that country.

*They had town teams back then, didn't they?*

Oh yeah. Baseball was the only thing. I guess at one time in the South everybody played baseball. And hell, we played baseball, and good teams. Local teams. Every Sunday. A lot of times Saturday doubleheaders. It was big thing, baseball. I played with a semi-pro team from the time that I was fourteen years old, believe it or not. I was a good ball player. It was a semi-pro team called the Greenbriar Ramblers. There was a team owned by Dr. Williams who was a medical doctor near Conway, Arkansas. He had an arrangement with the Philadelphia Athletics because his son was the shortstop for the Athletics, Deb Williams. He had another boy, Roy Williams, who also was the second baseman for the Philadelphia Phillies, both of them in the same town but different professional clubs. As a result, he got the Philadelphia Athletics uniforms every year. They shipped this year's uniforms to him at the end of the season. We played all over the South.

*Fun times then.*

It was really. I guess the WPA started in 1932. Nobody was working. Roosevelt created the Works Project Administration (WPA). The government just went and hired people

to work on local projects like building schools. In Oklahoma, in a town, I believe, that's called Okemah if I'm correct, there is a baseball park that was built by the WPA—it's all flagstone. My God, the work that must have gone into that. The grandstand is flagstone. The seats are flagstone. The dugout is flagstone. The fence around the damn ballpark is flagstone. Goddamnest thing of a park I've ever saw in my whole life. And I know it's still there. It's probably there forever. I only played one game. I'm sure that's where that ballpark was. I walked into that damn thing and I couldn't believe what I was seeing. Tremendous.

*So you get out of high school and then what do you do?*

I get out of high school and I went to college.

*Where was that?*

In Ouachita Baptist University.

*Where was that?*

Arkadelphia, Arkansas. The woman who ran the only general store in my hometown liked me. She called me in one day and said, "Are you going to college?" I said, "No, I'm not." She said, "What are you going to do?" I said, "Well in the spring I'm going to try to hook up with a ball team." She said, "Well, I heard somewhere you wanted to be a lawyer." I said, "Yeah, I wanted to be a lawyer. But I can't be a lawyer. I don't have any money to go to college." She said, "Well, come back and see me in about a week, will you, Harry?" I said, "Sure. Why should I come back and see you in a week, Mrs. Herring?" She said, "Well, I've got some thoughts—you just never mind." Well, I wandered in. Maybe it was a

week, maybe it was ten days, I don't know. I said, "I'm back, Mrs. Herring." She said "Yep, OK." She said, "You're going to college." I said, "Oh?" She said, "Yep. You're going to Ouachita Baptist College and I got you in. You're going to work your way through. You don't have to have any money, but you will have to have money for school books, and that's it." I said, "OK." Well, I went home and, of course, told my dad and he was very happy about that. I started looking at a map of Arkansas to see where in the hell Ouachita was. And that's where I went, fall semester of Ouachita College.

*Would that have been the fall of 1932?*

Thirty-three.

*How far was that from home?*

All the way across the state. A million miles away to me. The southern part, right near the Texas line.

*Did you ever consider farming?*

No, sir. Well, a lot of boys in my community went away and wound up in Detroit working for the automobile plant. Baseball was my first option. Secondly, was working in an automobile plant in Detroit. I wanted to be a lawyer, but I knew I couldn't. In most states, you couldn't study in a lawyer's office and then take the bar exam. I remember very distinctly that there were local bar exams when I went away to college and they had district-examining boards in several counties. They call people in and orally examine them. And then pass them or not.

*It would be interesting to find out what percentage of the lawyers did it that way—*



*studying in the office versus going to law school. Do you have a feel for that?*

I have an idea that the percentage would have been pretty high back in the late 20s, early 30s, maybe. But, I know that by the time I went to law school, I'm sure before I even went to Ouachita that you had to be a graduate of a law school to take the bar in Arkansas. I'm sure of that.

*When you started college, what type of arrangements were there? Did they have dormitories?*

I had a dorm room. I washed pots and pans and dishes in the kitchen and, of course, worked as a waiter in the dining room.

*At the dining room in the dormitory?*

Yes.

*Did you work all through college then?*

Yes.

*In addition to the dishwasher job, did you move up in the ranks?*

No. I got the same job.

*Did that for four years?*

No. I didn't do it. I didn't graduate from Ouachita. I went three years. Then I dropped out a year. I'm trying to figure. Old age takes a hell of a toll on your memory, it really does. It's awful hard for me to remember dates. I guess I completed three years in Ouachita. Then I tried to get into law school, and I couldn't. I laid out one year and then I got in Cumberland University in Lebanon,

Tennessee. It's now Cumberland School of Law, Stamford University in Birmingham, Alabama.

*So you actually went into law school rather than your fourth year at the university.*

Yeah. See, you didn't have to be a college graduate to get into law school. At most places, up until I guess probably 1945, I think if you had eighty-two college hours, you could get into law school.

*How did you select Cumberland?*

That was a unique selection. I had gone down to Baton Rouge to LSU [Louisiana State University] and made application for admission in early summer. They wrote me a letter; they wanted a personal interview. I went down there for an interview. I was rejected. While I'm being interviewed by one of the professors, the assistant dean walked in and he said, "This is kind of a waste of time." The professor was a fellow named Fish; he was very nice to me. He said, "Harry, this is a waste of time. Admissions for out-of-state students are closed." Professor Fish said, "Well, do you have any idea when it will open?" He said, "I would say in a couple of years." He just closed my folder and said, "God, I'm sorry, Harry." But he was so very nice.

I was on a highway hitchhiking through Mississippi. I was going to go to Memphis and cross the river into Arkansas. I was hitchhiking and I was picked up by a snuff salesman. He stopped and I got into the car with him. He says, "Where are you going?" and I said, "Memphis." He said, "Well, I'm going straight to Memphis." I said, "Wonderful." The trunk and the back seat of his car was filled with fans—hand fans. On the back of the fan was a great big red rooster

and underneath it, it said Rooster Snuff. We stopped in little towns. We'd drive around and locate some churches. We'd grab a bunch of fans and go in and put them in the pew. No air conditioning in those churches. We did that all the way to Memphis. On the way, he inquired about my life. Wonderful guy. His name was Schneider. We get into Memphis and I said, "I don't know anything about Memphis. Drop me off at the closest place to the bridge to cross the Mississippi that won't inconvenience you." He said, "Oh, no, I want you to go down to the hotel with me." I went down to the hotel with him and he said, "Come on in." I said, "I gotta get home. I can't stay all night. I got to get home." He said, "No, no, come in." He went over and wrote a letter. He addressed the letter to Judge A. B. Neil. He got up from the little table, pulled out the drawer with the stationary and he wrote this letter. He put it in an envelope, he addressed it and he said, "You take this letter to Judge Neil, he's on the Supreme Court of Tennessee in Nashville. I think you'll get into a law school."

Now, I'm worn out and I'm out of money. I take the letter and I go home. I'm not going to go ahead to Nashville. So I went home, cleaned up, washed my clothes, and told my dad. Showed my dad the letter. I said, "I'm going to open it." He said, "No, that's not right. You don't have a damn thing to lose. Go to Nashville and deliver it to him. See what happens."

Well, I got cleaned up and my belly full and I hit the road. Reached the state capital at 6:00 in the morning. I'm walking all around, I'm looking and I find where the supreme court was located. There was a big, big door—huge—that said "Chief Justice A. B. Neil." He was the chief justice. I cooled my heels around and people began to arrive and the offices began to open and I went in.

I handed his secretary the letter and she said to go out and wait.

He came in before long—then he walked in. She had taken the letter into him. He came over and he shook hands and asked, "Are you Harry?" Then, he said, "Come on in." Well, that snuff salesman was a boyhood friend of his. Boyhood friend. And they must have had a lot of fun together because he sat and chuckled, and chuckled, and chuckled. Anyhow, he said, "You go down to Cumberland University." He wrote out a note—handed me the envelope and said, "You take this letter over to Sarah Hardison." He wrote then, a name, Mrs. Morgan, and said, "You go see this lady and she'll give you a job in a hotel." She ran a rooming house. I went to Cumberland and I got in. Went over to see Mrs. Hardison and she said, "I'm expecting you." I filled out an application for admission. She said, "You're admitted." Course I had my transcript with me.

*What a story. And that all comes from hitchhiking with a snuff salesman?*

Yeah. Snuff salesman. I wouldn't have been a lawyer if I hadn't met him. I wouldn't have been a lawyer if I hadn't met him, sure as hell.

*What was going through your mind after you'd left LSU and you were hitchhiking? Had you given up on law school?*

Yeah. I had given up, in my own mind. I was reluctant to go to Nashville and my dad says, "Hell, you got nothing to lose. All you got to lose is a couple weeks out of your life—Go." I did. But I was reluctant right then. There's a certain amount of luck involved in it. You know, who knows? Your life takes some very pleasant turns and wholly unexpected. Later

on you wonder about it. I know a lot of times you're in the right place at the right time.

*Can you put a date on when you entered law school?*

1938, '39, '40, and I graduated the spring of '41.

*Where were you working at that time? During law school?*

I was working in this rooming house. It was a large one; it was almost a hotel, but it wasn't. I did a million jobs there.

*You got board and room and then some other types of things.*

Yes.

*Were there other law students doing that as well?*

No. I was the only one there, but there were a lot of law students working around.

*This just happened to be a woman that Judge Neil knew.*

Yeah. I know that he sent students every year to her. She had a history of hiring law students.

*Have you had any communication with Judge Neil over the years?*

Yes, I kept in touch with him until he died. He used to write me. I used to call him every once in a while. But he died right after I got out of the war in 1945. There was one teacher that I was fascinated with that was really, truly great. He was a former Supreme Court Justice

of the State of Florida by the name of Frank Plantchett. I was very close to him. He took a lot of personal interest in me. Almost like my father. Of course, he died while I was in the war, too. Interesting thing. His cousin, I guess, or maybe it was his uncle, I'm not sure. But some relative of his was in the Lewis & Clark Expedition. It would have to be maybe a great uncle. He always regretted he didn't settle in the west.

*When you were in college, what was your course of study?*

Well, I just took a general academic course that I guess everybody else takes. I had very few electives for the simple reason it was a Baptist school and the whole business was producing ministers. I had a lot of college hours in bible. But I didn't take a pre-law course because to be honest with you, at that time, I didn't know what a pre-law course was. I was just trying to get enough college hours to get into law school.

*I think that Ralph Denton, or someone I was talking to, indicated that he thought that you had some training as an orator in college, preacher-type of thing.*

We were required to take the same course as ministers were required in those days. I did have training in that regard. But as far as being an actual minister, I never was.

*I don't think that he was suggesting that. It was in your presentation, your oral arguments. It seemed you had the training of an orator.*

I don't think so. Ouachita's principal business was producing ministers. It wasn't a seminary. It is now a university and a good one. It was a good school then. Because of

that, it was a requirement that you take a maximum of speech courses. God, I don't know. I may have sixteen or eighteen college hours in speech. That probably is what he had reference to. But Ralph doesn't have a history of accuracy. [laughter]

*Can you give us a description as to what the law school courses back in those days would have been like?*

The Cumberland, in our first two years, was a common law school. They taught common law. I understand and I had been told, and I knew it happened while I was there my senior year, they went from common law to the casebook method of teaching.

*Tell us what the common law method is.*

Well, most of the subjects are based in the English common law. I had a helluva lot of appellate cases. The funniest thing about it is, that I don't think anybody ever, ever looked at me as an appellate lawyer. But, my God, in the early days I was doing, maybe fifteen years, maybe even twenty, Bruce, maybe all the appellate work in this county for other lawyers. I think that's pretty well documented. Bruce Judd brought in a sheet one day to me, and it looked like about 150 cases where my name is either mentioned in the Supreme Court of Nevada or they were my cases. I looked through them and, I guess, maybe 130 cases were my appeals. That's a lot. That's really a lot. You look back on it.

*You attribute a lot of that to the common law training?*

I think I was a good writer. I believe it was because of the common law training. It gave me a very, very strong basic foundation in the

law. But I had a friend in law school that was a judge in Virginia. I went back to my law school and made a commencement address and he was there. We went to dinner together and we were talking. He said, "Unfortunately, two-thirds of our law school education we never got an opportunity to use." That's about right too. You're talking about the common law, it's very seldom you look at a common law.

*Did they have moot court in those days?*

Yes.

*Tell me about that.*

Presently it is now Stamford University, Cumberland School of Law. Stamford is in Birmingham. They always had a very strong moot court section of the school. I was good at it. In fact, commencement exercises, I was the class orator. It's a program. I was pretty good at it, and I was pretty good as a lawyer at it too.

*You say that you made your reputation in appellate work. The reputation that I hear of you pertains to your oral argument before a jury.*

I would say so. I think my strongest attribute, as a lawyer, was cross-examination. I don't mean this like it sounds. I don't think there was anybody any better.

*Did the law school have a program where law students would work with local lawyers?*

No. No.

*What were your aspirations when you got out of law school? Did you want to become a trial lawyer?*

Of course, I was in the moot court program. That school did produce a lot of good trial lawyers. In fact, one of the teachers one time said during his lecture, "We have produced damn few good lawyers, but we've produced the best goddamn trial lawyers in the country." I always thought there was a difference, but I graduated in June of '41, and I went to work for a law firm called Coulter, Coulter, & Coulter in Little Rock.

*How big of a firm was that?*

Small firm. Three lawyers. Three brothers. Probably a staff of a total of ten people.

*After you graduated from law school and you went to work for the firm in Little Rock, did you have any court appearances or do any court work during that period of time?*

No. No. None whatsoever.

*You were the first lawyer other than the family?*

Yeah. I actually went to work as a law clerk. I didn't have long. But I was assigned to the senior member of the firm and he was a trial lawyer. So I went to court with him several times—not many times.

In August I got my draft notice. Arkansas was a dry state. Beer was the only thing sold. There was a beer bar called The Brass Rail. We'd go down every day to the Brass Rail and we'd eat popcorn and drink beer from about 5:30 to 6:30 p.m. He'd go home and I'd go back to my rooming house. We're in there and I had already told him that day that I had gotten drafted. I had to go down for my physical within three or four days, I guess, after. Somehow, and I don't know how he knew, he said, "You're very articulate. You express yourself very well. You, I'm sure,

would make a helluva trial lawyer, but you'd make a better politician." He said, "Don't get drafted. Go down to Camp Robinson and volunteer. Come back after this war. You volunteered to serve your nation in this time of great trouble. Run for public office." And he said, "You'll get elected. You'll be governor of this state some day."

I went home that night and I got to thinking about it, and I came to the conclusion, by God, I'll make a good governor. In about three days, I'm in Camp Robinson and I volunteered for the army. They shipped me to maneuvers in Louisiana. They had just done away with the horse cavalry and formed the first mechanized division of the United States Army. They had these wonderful tanks, which were pickup trucks with a tarpaulin on the back, over bowls like the old kind of Calistoga pioneer wagons. On each side there was white paint that said "tank." I wasn't in that division. But, they were all around and we could see the tanks everywhere. I'm in the infantry.

So one day, in December, a staff sergeant in a recon car drove up in front of our company, in our company street, and he yelled out my name. I got up out of my tent and I went over and I said, "You looking for me?" He said, "Your name Harry Claiborne?" I said, "Yeah," and he says, "All right, corporal." I was in a month when I was promoted to corporal because there were no other noncoms other than the first sergeant in the company. We were all learning how to be soldiers. He said, "Get your gear," and I said, "What do you mean?" He said, "Get all your gear, whatever gear you got to turn in, turn it in." I said, "All I got's a BAR." and he said, "Well, go turn it in." So he said, "Where's the company commander's tent?" and I said, "Right over there." He said, "OK, come with me." We went over, he handed him the orders, he took a copy, handed me back a copy and I said,



"Captain, where in the hell am I going?" He said, "Well you're going to a cadre at Keesler Field, Mississippi." I said, "Well, that's Air Corps." We didn't have the air force then, it was the Air Corps.

So they drove me into Biloxi, Mississippi, and I was picked up there by a captain and he drove me out to Keesler Field. But they were still building it, and there were no buildings, but they were all working on building barracks, administration buildings and such. We were the first troops there. I said, "Am I transferred to the air corps?" He said, "No, you're transferred to the Military Police Division of the Provost Marshall's Division of the United States Army." Well, from what I was told, for a year, all Military Police were assigned to the Provost Marshall's Division of the United States Army. I was still in the Army, but I was a military policeman. I was there when Pearl Harbor broke down on December the seventh.

The night before, it was Saturday night, I was bunking with a private Jubert from Chicago whose father was an executive with Burlington Railroad. We could go to town anytime we got ready. We were in the middle of a tent city with two hundred some odd guys that they were bringing in from all over the country. Then I found out that most of them had police training and that's why they grabbed me. I was a lawyer. But we didn't know what in the hell we were going to do, or where we were going to go. I mean, the captain kept saying, "When we get the company to full strength, you guys will all go together somewhere." We wound up in Fort Logan, Colorado for two weeks special training and then to Los Angeles to move the Japanese out. That's how I got to the west.

Jubert's first name was also Harry, and we go to town that Saturday night and get drunker than hell. I don't even remember

getting back to my tent. Harry Jubert was a brilliant man. He had a radio, and he was so smart that when he packed his barracks bag, he put the radio in the bottom. When it was thrown off a truck somewhere, it smashed into about forty different pieces. There was one electric plug in the tent and he plugged it in. Anyway, it was a mess of wires and tubes and it would play. Every once in a while the volume would get so low he couldn't hear it and I'd kick it over in his direction and the volume would go up. When it would start fading, he would kick it back in my direction.

I'm sitting on the bunk with my head in my hands. All of a sudden it blurted out, "We interrupt this program to bring a special announcement from the War Department, Pearl Harbor, at this moment, is being bombed by the Japanese. We repeat, Pearl Harbor is now being bombed by the Japanese." Well, I got up. I woke up Jubert, and I said, "Hey, Pearl Harbor's being bombed by the Japanese, they just said on the radio." I grabbed my pair of fatigues and put them on right quick. We wore campaign hats in those days. I grabbed my campaign hat and put it on. I was the only noncom in the cadre; they had made me acting first sergeant without the stripes. I hustled up to the headquarters, which was the captain's tent and he wasn't there. I really didn't know what was expected of me. I just walked outside, and I'm standing, and all these guys were getting around. Pretty soon there were twelve or fifteen soldiers standing there in various phases of dress and one of them said, "Sergeant, where in the hell is Pearl Harbor?" I said, "Maine." Bar Harbor, Pearl Harbor. My men located some guy who said, "My God, they must have some kind of damn gasoline tanks on them planes flying all the way from Japan to Maine." Well, I lost considerable prestige when they found out Pearl Harbor was in Hawaii.

Anyway, this captain was crazy. He was really something else, this guy. His name was Fredricks. When we shipped out of there, it was the last I saw of him and I was glad. I guess it was prevalent that they were giving officer ranks to almost anybody who applied for an officer rank. He was a captain. My captain had been in the damned Army almost fifteen years. This guy, he called himself an engineer, but I found out later that actually he did some kind of janitorial service for the federal government. I probably ran into somebody who knew him who told me about it. But, he was a little guy. He said, "Form the company." This was an hour, hour and a half after we got the message. I went and formed the company. The company got formed.

These guys, most of them had been draftees, and had been issued clothes that would hit him here or him here [indicating]. Their pants were either too small or too big and you looked at these guys standing there in formation. He says, "Get me an ammunition box." I go around and found an ammunition box and I come and I put it down and he climbed up on the ammunition box to give himself some height and he said, "At ease." They were already at ease trying to be at attention. He said, "Men, this country has been attacked by the Japanese." Everybody nodded, they knew. He said, "The time has come for which you have been trained. I know that you will go out and give a good account of yourselves in battle with the Japanese." Shit, I looked at the company. Now, I'd been two-and-a-half months in the goddamned infantry, and I'm looking at these guys. I thought if I have to go fight with these guys, I'm going to desert. I'm standing there behind him and I had to put my hand over my mouth. He climbed down off of the box and I saluted him briskly and off to the tent he goes.

I walked up to the tent and he says, "OK. We got to have a guard plan." I said, "A guard plan?" He says, "Yes, yes, gotta have, sit down, sit down, we got to create guard stations and a guard plan." Now, at that time I think we had 180 guys in the company and we're furiously working out a guard plan. I said, "Captain, we don't have any rifles." He says, "Oh, that's right." I says, "I don't think a guard's going to do much good if he don't have a weapon." He said, "Oh, you're right, you're right. Well, I'll tell ya," he says, "we'll put our guards at night." He says, "The enemy will not know if you've got a rifle or not." I said, "Whatever you say, sir."

Jesus Christ, for ten days, for ten nights, we had guards out walking up and down a military installation that wasn't even built. Carpenters working in the daytime, some of them working in the night. We got them fools walking up and down these imaginary company streets. He was something else. The orders came in to take us in to Mobile [Alabama]. The trucks begin to roll in there and they haul us into Mobile to get on a train cross-country to Fort Logan. We got ready to board the train and this captain says, "I understand you're the first sergeant." I said, "Yes sir, I'm acting first sergeant." He said, "Well, that's good enough." I said, "Is Captain Fredricks going with us?" He said, "Fortunately not." He said, "I've met your captain, little dingy isn't he?" I said, "That's the understatement of the year, sir."

*How long after Pearl Harbor was this?*

We got in there; we spent Christmas [1941] in Fort Logan [Colorado]. We were out there maybe, two weeks after Pearl Harbor. We spent Christmas and, I believe, we left there, I think, it was February or March for Los Angeles.

*How long were you in the Army before Pearl Harbor? Do you remember that?*

I'd gone in, in August. I believe it was August the eighteenth I enlisted.

*When you were with the law firm, had you made arrangements to take the bar exam?*

I had already taken the bar.

*Had you gotten the results?*

When I got out of law school, the bar exam was three days after I graduated.

*You didn't have to wait much?*

No, in Arkansas, at that time, graduating from the University of Arkansas, upon graduation from the law school, and the university, were also admitted. But, if you didn't go to the University of Arkansas, you had to take the bar exam. Three days after I graduated I took the bar in Arkansas and I had already got the results. And was sworn in. I had been a lawyer for a month.

*Now we have you in Fort Logan? What happened there?*

Well, they trained us. They gave us two weeks of brisk training, day and night. All these guys, nearly all these guys, when they arrived at the staging area, they'd had less than just three or four days. Nearly all of them were drafted. We had nothing but drill, drill, drill, drill, and at night we were going to a class. We didn't know what we were going to do until the day before we left there. We thought we were going to be assigned everywhere as military policeman on military installations. The captain who took us to Los Angeles was Captain Bonnell. I had the

privilege of being with him over two years. He walked in, they introduced him to us, and he told us what our mission was. But they were a sharp outfit. Some of them had been cops, or some law enforcement training, and I guess that I was the only lawyer in the whole group.

*It seems strange because you're a lawyer to be in the military police. Did that strike you as strange at the time?*

There was nothing strange about the Army, nothing, absolutely nothing. It's a wonder they hadn't sent you to cook's school.

*Then you ship out at that point. About when was that?*

It was the last of February. It was the first of March when we arrived in Los Angeles. I was in the thirty-second division and we were on maneuvers in Louisiana. And boy, they had mosquitoes and the humidity was about eighty-five degrees. We were just ready to break up when they started kicking guys out, transporting them. They took me out and transported me over to [unclear] Mississippi, in the staging area. We all wound up in the MPs there. Then they transferred us by train into Fort Logan and Denver. Fort Logan, Colorado. Then they started splitting us up. I wound up in Los Angeles, about the time when Hitler made his last drive, they started jerking all of us out of everywhere who had any kind of infantry training. We were put on liberty ships. They were holding us on, I guess, six ships, and they were holding us all right near the Azores. We were twelve days in that holding pattern. They took us and turned around and took us back. I guess they figured the early part of the Battle of the Bulge was not going well. I guess they figured they were going to need us. Somewhere. We didn't make it. But



I remember the goddamn boat creaking and snapping and popping, and I'm not a seaman. I was really worried. All of us on the ship figured one of three of us was gon' get killed anyway. [laughter] That was all the solace we had. Goddamn. A storm came up—the same thing—goddamn waves thirty or forty feet high. You talk about rocking and snapping and popping, I just knew the boat was going to come apart. I'll say this for one thing: that if all our troops went over in liberty ships, they weren't scared of the Germans. [laughter] They'd been through the worse. I never was so glad to get off that boat. I made up my mind that if they put us back on one if we got orders to go back that I was going to have a heart attack right in front of the highest ranking officer. [laughter]

*Then what happened?*

We were taken out to another air base that was being constructed called Santa Ana Army Air Base. We worked out of Santa Ana Army Air Base. They had maybe twenty-five or thirty buildings constructed and then they were building maybe fifty or sixty more. It got to be a big base. My company moved the Japanese up to Santa Anita Race Track. We had taken over the racetrack. Those families were housed in the stables and hundreds of Quonset huts and tents in the parking lot. We took them there and they were trucked out all over the country. They had various places in Arizona, in Mexico. Some of them went back to some places in the South.

*Who actually went out into the community and brought them in?*

We worked in squads of twelve. Divided the company into squads of twelve non-commissioned officer and an interpreter

with each of the squads. We were very short of interpreters. There were some days your squad didn't do anything because of a lack of interpreters. They were getting most of them out of UCLA [University of California, Los Angeles] and USC [University of Southern California] and around. I don't know where they got them all, but I know some of them were students.

*How did you go about locating the Japanese families?*

In the Japanese districts. The headquarters for that detail were all civilians. I believe, if I remember correctly, they were out of the Department of Immigration. Each day, our first sergeant would hand out to the squad leaders, and I was one of them squad leaders, addresses. Most of the time without names, and we'd go to that district or that location. It was always an authentic Japanese family. A lot of people, a lot of Japanese volunteered to come to headquarters. We would go to these addresses; most of the Japanese already knew. They had been visited, apparently, I guess by civilians, and advised of the president's decree and what was going to take place. They were allowed only to take personal belongings, no animals, no pets. They had to leave [their animals and pets], other than their own immediate personal belongings, in their homes. I don't know that for a fact, but I understand civilians took charge of the houses, their homes, so that they wouldn't be ransacked or property stolen.

*What do think eventually happened to that property? Was there some accounting, do you think by the Government or local officials?*

They had some kind of system, but I don't think I ever knew at the time. When you're in the Army, you do what you're told and

you don't ask very many questions. I don't think I ever knew exactly what the system was for protection of their property. I do remember that I was sent out with my squad over in Orange County. There was, nearly all of it outside of Anaheim proper, bean fields, enormous bean fields and truck farms, produce farms as far as you could see. Nearly all of them were farmed and owned by the Japanese—nearly all of them.

I only had one occasion to go out in that area to bring in Japanese. I had an interpreter with me. He swore I was going to get in trouble but we had gotten a report that there was Japanese on this farm that they had missed. My squad was sent out to see if it was true and we found him hiding in a thicket and he was crippled. He had not a large farm of any kind, not even an acre. Was melons and he had some pigs and he had hidden some of his pigs in a little dry wash and was surrounded with brush that was maybe ten feet high. He kind of camped there. Of course, he probably would go to his house and sleep at night in this little old house, and in the day time, before it got daylight, go down there and hide. But we found him and we took him into the truck. He was crying. He told me that he had some pigs down there, too. He said, "What do you do about the animals?" I said, "Well, I've never worked in these farm districts. I don't know what we do. Whether we go in and report there's pigs there and they send somebody after them or whether we're supposed to take them or what. I didn't know." I finally turned around and I said to the interpreter, "You tell him that I'm not going to take him. He'd better not come out of that goddamn thicket in the daylight from here on. That I'm going to leave, going to leave him and his goddamned pigs and we're going to get the hell out of here." I looked around at everybody that was there—everybody nodded their head. On the

way in, this interpreter was a guy about, oh hell, I guess he was close to sixty years old. He said, "You know, I have to report this." I said I wasn't going to hurt him, ever hurt him, and I said, "You do that and you're going to live about one goddamned hour after you tell somebody." He never told. He never in a hundred years told.

*You said the authorities went back and got him.*

Yeah, they went back and got him the next day. I understand that. Yeah. I don't know how to say it; I don't want to leave the impression that our people moved them. We were a very minor cog in the whole operation. Principally, taking them to the racetrack and helping wherever we were ordered to help. But we weren't the prime people involved in it.

*When you would go into the residences and meet the Japanese, how much time would you give them to get their belongings and go with you?*

In most of the times they were all ready. They had already packed what they wanted to take and what they were allowed to take. Sometimes we made them take some things back in. We would be there maybe no more than an hour. We finally worked out a system. There was a lot of heartache to it, if you can imagine, anybody moving out under those circumstances of their homes. There were a lot of tears.

*Very emotional.*

A lot of emotionalism in a lot of those places. And yet, overall, I would say, over all they all appeared stoic, unexpressive, like they understood, but disapproved, didn't argue, never had one altercation, not one. We were

constantly, constantly reminded that we were to be understanding and gentle. To make a long story short, we didn't have a single officer in charge that approved, and none of us did. If I had to guess, I don't think there was a single spy taken out of all of Los Angeles.

*How long was your duty there?*

We were a good six weeks. Our unit, our company was a good six weeks. Then we were transferred to Santa Ana Army Air Base.

*What did you do over there?*

Well, I became first sergeant of my company by then. We were transferred into a regular military police unit company on the base. I was there maybe six months, then I became a group sergeant major. I was a group sergeant major until I was appointed warrant officer, promoted to warrant officer. Then I was brought into the Las Vegas company military police.

*What year was that?*

Nineteen forty-three. We worked from March to up and around the first week of May. Then we were either relieved or concluded the job. I don't remember which. We were transferred out to the air base.

*So, the whole time you were in LA, there was the Japanese internment program that you were working on?*

Yeah, but all of that time, see, we were stationed at the Santa Ana Army Air Base, but we were not assigned to the base. When our participation ended, and somebody else took it over, I don't know whether it was all over then, I believe it was all over. And then

we became permanently based at Santa Ana. We no longer were assigned there; we were permanently based there.

*When you became permanently based, is when you became the first sergeant.*

Yeah.

*Then about another six months and that's when you came to Las Vegas?*

Group sergeant major and then I was there until I became a warrant officer and maybe two or three months after that I brought the military police unit back to and brought the unit into Las Vegas.

*That was May of 1943.*

Yes.



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## FROM THE LAS VEGAS POLICE DEPARTMENT TO A LEGAL CAREER

*The last time we left off we had you moving to Las Vegas. I saw some place that you had been to Las Vegas on an incident concerning the Cotton Club while you were in the military?*

Yes.

*Tell me a little bit about that.*

My first trip here. From Santa Ana. My first trip was five days. In my mind, it seemed like [General George] Patton was training an armored division over in Needles, the Mojave Desert. I'm not sure about that, but that's my recollection now. Could have been somebody else but I know that there was a base of these troops and they were giving them maybe a couple of days off—or just a day, I don't know how long—passes into Las Vegas. They would truck a number of them in. There was a, what they called, then, a roadhouse here, on the west side. I believe the name was the Cotton Club, I'm not sure about that, but it was the only one over there for a number of years.

I was playing baseball. I had singled and I had taken second base on a wild pitch. I heard somebody yell, "Claiborne," and I looked up and the coach of the team was waiving me in. I went in and there was a guy standing there. He said to meet Major Barnell and told me where. I said, "What's up?" He said, "I don't know. He said to tell you to be in full dress uniform." I said, "OK." He took me to my barracks. I got dressed, met him and we got in a, I believe was an AT6, I'm not sure, and flew to Las Vegas. On the way, he told me that a commanding general had ordered us to come in.

Apparently, they [the troops on passes] had barricaded themselves and had taken over this club. The captain of the detectives was a guy by the name of Woody Pierce; I remember that. He answered the phone call. These guys were rowdy in there. He left the police station, went over there and they stabbed him in the stomach, and still holding him in the building when we arrived. He stopped by our ordinance when we got here. Nellis was called Las Vegas Army Air Base then. There was no

commercial airport. The commercial airport was also at the Las Vegas Army Air Base.

On the way, he stopped at ordinance and he got six hand grenades. He came out and he said to the captain or first lieutenant who picked us up, he said, "Do they have a bullhorn over there?" and he said, "I think so." We drove over. He got the bullhorn and he said, "I'm Major Don L. Barnell; I was sent here by the commanding general to take charge. Now, I'm going to come in there and talk to you." He took off his .45 and laid it up on the hood of the vehicle. He said, "I'm coming in unarmed." He turned to me and said synchronize our watches and we did. He said, "Give me twenty minutes. If I'm not out of there in twenty minutes, blow the goddamn building down." I said, "You've gotta be kidding. You'll be in there." He said, "No. Every building has a back door, I'll be out of there, don't you worry." He was a gutsy bastard. He walked in there and he brought them out in about ten minutes—all of them.

*How many were there?*

Eight or nine. Then they got help for Woody Pierce. We took our bars off [our uniforms] and we did the town for three days. Wasn't much either. It was all downtown. What is downtown now.

*Then the next time you came to Las Vegas was when you were transferred here?*

Yep.

*Tell us a little bit about what Las Vegas looked like in 1943.*

Well, the town ended at what is now Rancho and Charleston in a westerly direction. Of course, it remained the same

as far as the boundary lines of North Las Vegas. North Las Vegas was here but it was very, very small. I guess less than a thousand people lived in North Las Vegas in those days. The town; let's see, west was Rancho and ended south and east with Fremont and Charleston. I guess, about 16,000 people here.

*How far east did it extend?*

East? I would say about Tenth Street.

*Was Henderson constructed by that time?*

Oh yeah. The plant was operating at that time.

*The town site homes were in place?*

Yep. Yeah.

*Boulder City was up?*

Yes. Boulder City was here.

*Where was the federal courthouse located?*

In what is the old post office building downtown—Second and Stewart.

*Where was the state courthouse?*

Where it is now. It was a little two-story building; kind of Spanish style with one courtroom.

*Who was the judge?*

[Frank] McNamee. When I first came here I think it was Judge [William E.] Orr. I'm talking about when I, militarily speaking, was on my first trip in.

*He was the state court judge?*

He was the state court judge at that time, I'm sure. But when I came here to practice law, Frank McNamee was the judge. Shortly after, [Albert S.] "Bert" Henderson was appointed. I believe, in that period of time between Henderson, I believe [Clifford A.] Cliff Jones, but just a few months. He was a district judge for just a few months and I don't remember the history of that. He resigned, probably to run for lieutenant governor, I don't know. Then Bert Henderson was appointed.

*Who was the federal judge?*

Roger T. Foley—the old man.

*When you transferred here in the military, what was your duty?*

When I was permanently transferred here?

Yes, sir.

I was a police and prison officer at the base and officer in charge of the downtown military police.

*What did that mean in terms of your duty?*

Well, I ran the prison, and supervised the MPs in their work downtown.

*How many MPs did you have?*

Sixteen downtown.

*Could you tell me a little bit about some of your supervisory practices?*

The colonel of the post was Colonel Henry. George Henry. I had eight guys working every

night. What the hell, the town was small. I didn't need eight. So I would, maybe by eight o'clock at night, I'd give four of them off. Most of them had girlfriends and such, which was fine. Somebody reported it to the commanding officer. He called an Executive officer in and they decided that they would call the provost marshal in who was supposed to be my boss. They called him in and he, of course, questioned me. I said, "Well, there's not too much to do and maybe I'll let a guy quit early. If he had something that he wants to do." I'm not going to say it was a policy. He went back and reported to the colonel.

I don't know what happened but in some way the colonel decided that he'd come into town in the middle of the night and check and see how many MPs I had working. But he made a mistake. He told the officer of the day what he was going to do and the officer of the day contacted me and told me what was going to happen. Or what was about to happen. Of course, at that time I had four guys off. I had four guys and I went up the street and contacted them and talked to them. I hung around Fremont Street myself. It was the only place. I told them the colonel was going to be driving down Fremont Street and around the town and looking for the MPs. They knew what the score was. We worked out a plan. The colonel would drive down the street and see two guys coming down one side of the street and two guys coming down the other side of the street. When he passed them they'd run through a club and come out on the other end and he's counting the same guys all night. We never heard anymore about it.

*Tell us a little bit about Block 16, and if that was a problem for you during this time.*

Block 16. That's why we were here, really. That's why there were a cadre of MPs working



nights. Working downtown. He [Colonel Henry] had a thing about prostitutes. In fact, he had a war all the time going about prostitutes in Las Vegas. He even got the commanding general into the fight. I guess right after we got here they closed Block 16 down. I know it existed a very short time after I got here—a very short time. But it had been wide open. In fact, the main house of prostitution is the old Allen Hotel. I don't know whether it's still there or not, I think it's torn down now.

*Where was that located?*

Right in the same block as the federal courthouse and post office.

*What were the boundaries of Block 16?*

Well, it was Second and Third Streets and I believe Fourth too. I do know First, Second, and Third Street dead-ended at Stewart. Block 16 was the northeast side of Second Street and the west side of Third Street between Stewart and the next street [Ogden Street].

*When did you leave here?*

I was transferred out for a very short time to Fort Sumner, New Mexico. But only for about three weeks and then I was transferred back here. It was a foul-up in orders down in headquarters and I came back. I was here until September of 1945. Then I was transferred to West Overfield, Massachusetts. I was there when I was discharged December 4, 1945.

*What were your duties in Massachusetts?*

Administrative. I was an adjutant in a headquarters company.

*When you were discharged, what did you do?*

I was given a ticket to Little Rock, my place of enlistment. Had \$800 in mustering out pay. I took my ticket and I went from Springfield, Massachusetts to Chicago, and changed trains. I was going to get on the Missouri-Pacific to Little Rock. Walking through the station I got a B-4 bag in my right hand and an overcoat, Army overcoat slung over my shoulder and they called the City of Los Angeles UP [Union Pacific] train. I took about six steps, turned around and went to the UP window and I said to the lady, "Can I change this ticket for one to Las Vegas, Nevada?" She said, "Yeah, if you pay the difference." I said, "It just so happens, I'm rich." I had \$800.

I paid the difference and on the night of the fourth day of December 1945, about 3:00 in the morning I arrived in Las Vegas. I went over to the old Overland Hotel and got a room. I knew nearly everybody in the police department because our offices—MP offices—were in the same building as the police department. I knew everybody. Got up that morning about 10:30 and I walked down to the police station and walked in and first met the chief of police [George Thompson] coming out the door. He said, "Jesus Christ, how are you?" and I said, "Fine." He said, "Did they transfer you back here?" I said, "No I'm out. I'm discharged." I said, "Do you gotta job for me?" He said, "You're goddamn right. Come to work at four o'clock." I went over and I had lunch with him. I went to work. I worked about four o'clock. I scrambled around, they got a uniform for me, and a gun, and I rode my first shift on the night of December the fifth, 1945, with Bill Hanlon who later on became the captain of the Detectives.

*So it's December 5, 1945, and George Thompson just hired you to go to work for the police*



*department. Describe the police department at that time.*

By the time I left, I guess, maybe there were probably 100 cops, 100 all together. There begun a surge in the population, this is right after the war. I guess the history of the country is most of the guys who were in the Army, had seen other places, stationed in different cities around the camps and stations around the country. They began to migrate all over the country to get a new start. There was a big surge in the population of Las Vegas. I don't know how much, but I do know that they began to increase the police department rapidly. But when I went to work, there was probably twenty-five police officers. I know there was only six in the detective bureau. I would say about twenty-five cops. I do know that we only had three vehicles. We had two police cars and an unmarked old Pontiac that the detective bureau used. The patrol cars were Hudsons. No, no, I'm wrong. They weren't Hudsons; they were Fraziers. God, I don't think they were manufactured very long. They had cowcatchers on the front like locomotive engines. I guess I rode with him [Hanlon] more than anybody else, and then a guy named Joe Bremser. I told Hanlon one time, I can outrun this goddamned car. If you don't believe it, I'll bet you \$50 I can outrun it. We'll stop right now, and I'll outrun this goddamned car from standing start for a full block. [laughter] And he wouldn't bet me.

*Were you a patrolman or were you a detective?*

I started out as a patrolman. Gray Gubler was the D.A. There was a lot of friction between Gray and the police department. The captain of the detective bureau had been a former fighter. There was a full-blooded Indian by the name of Allie Swark. He was a

bosom friend of the inspector of the police and the inspector in the police department—his name slips right by me but I'll think of it [Chet Morrison]. He had been a movie actor in Hollywood and played the bad guy. He may have been a fighter sometime in his life because his nose was all busted up. But he looked mean and he looked tough. He had brought Allie in, so I think that the inspector had at one time in his life been a fighter. He was a wonderful person but he was no rocket scientist, to say the least. Gray was a really, really fine lawyer. He was a stickler for, you might say, that the procedures be followed accurately. He, I think, had thought that everybody in the police department was just a bunch of stupid cowboys, and rightfully so, to a certain extent. A lot of fine guys in the police department and remained my friends for a lifetime. But, they didn't give a damn about the rules. They figured their job was to catch the bad guys and they didn't care how they did it. Gray was constantly on them because of that. But one day the chief walks in and says, "I'm going to promote you to the detective bureau."

*Referring to you.*

To me. He said, "I'm going to make you sergeant of the detectives." As I recall, there was only probably four guys in the detective bureau besides the captain. He said, "I already told the captain this. I want everybody in that department, in every investigation they make, to submit their reports to you. You're going to determine whether or not the case should go to the district attorney and you're going to prepare the evidence for the D.A. and submit it to the D.A. yourself." I said, "All right." That's when I went in. I had a splendid relationship with Gray Gubler. Gray had an affliction. He blinked his right eye all the time. I didn't know

that. In fact, I had never met him until I took the first case in to him. I'm sitting there and he began to wink at me. I was back at the station and I said, "Captain." He said, "How'd you get along with the D.A.?" I said, "I got along fine with him." I said, "And I kept my distance." He said, "What?" I said, "I kept my distance." I said, "That son of a bitch is a fag." [laughter] I didn't know he had a defective right eye every once in a while. But anyway, that was why I got a quick promotion to the detective bureau and got some rank to sergeant. I tremendously enjoyed it.

*Who were some of the people that were on the police department?*

Oh my God. In the detective bureau, Joe Bremser got appointed in the bureau right after me. And the detective bureau was Allie Swark, Pete Reid, Bill Hanlon, Joe Bremser, and later on Hiram Powell and a guy what we called X-9, Marl Hopkins.

*Why'd you call him X-9?*

Some guy, when he was a cop, started calling him that as a super sleuth. He smoked a crooked stemmed pipe, I think, because he read about the great English detective with a...

*Sherlock Holmes?*

Yeah, Sherlock Holmes. They were good men and delightful. One of the funny things I remember was when I was a patrolman. The inspector, Chet Morrison, called us all in one day. We had picked up some guy that worked in the Boulder Club, for DUI, one of those cops did. He laid the law down. He said, "By God, there better not be any more of this." Everybody was looking at each other; we didn't know what the hell was coming. He

said, "The next one of you who arrests any local residents for being drunk or driving drunk is going to get fired the next day." [laughter] There was a policeman with the name of Eddie Davis, and Eddie Davis said, "Well, inspector, why is that?" He said, "Because all of my goddamned friends are drunks. Does that answer your question?" And that was the policy.

We never, never arrested a local citizen for drunken driving or public drunkenness or any fray that he was involved in while drunk. It was just the way it was. My God, the police department was a taxi service. If a guy got drunk, you'd take him home. Yeah. The town was so small it was very seldom that you'd have a drunken driver. Most people walk downtown. God, it was a helluva city. It really was a wonderful town.

Lawyers, I think there were sixteen lawyers in this town when I was admitted. The amazing part about it is that there was no better judge in the State of Nevada than Frank McNamee. There was no, never, I don't think ever, his equal as far as his knowledge of the law was concerned. Brilliant, brilliant man. When I was here stationed at the air base, I was going to the bar meetings. By the time I applied for the bar, I knew everybody. Because I had been licensed in Arkansas, I was welcomed at the meetings. In fact, I was invited and went and from then on, I went to all of them. John G. Cope, a fine lawyer, was there. I'm not talking about just good trial lawyers, they were great trial lawyers.

I may have said a thousand times, that the best trial lawyer I have ever seen, even up until this day, ever, ever known or watched in action was a lawyer by the name of Harold Morse. He has a son, practicing through the years here—Bill Morse and a grandson named Harold. I think he was the finest trial lawyer I've ever seen in action, and I've

worked with some good ones. I faced some good ones in my lifetime and he was great. He was great. There were a lot of them. They all were good trial lawyers. In those days there are no specialists. They were all general practitioners. They had to be. They couldn't make a living otherwise. They took everything, every kind of case. They tried their cases. Well, in this day and time, a guy has a litigation he hires a trial lawyer. A guy had litigation in those days he went to his lawyer, and he had been taking care of him for years. And so there was hardly a lawyer in this town that couldn't try a case. Art Ham Sr., fine trial lawyer. Leo McNamee, he never tried a criminal case but he was a tremendously fine civil trial lawyer. A lawyer by the name of Cohen. I think his name was Louis Cohen. He died maybe three years after I started practicing. Fantastically good lawyer. Man, you had your hands full. I tried a lot of cases.

When I went into private practice, I'm one of those rare people in the law profession that never was a struggling lawyer. Never. When I left the D.A.'s office and went into private practice, I had as much business as I could handle. I had as much business as I could handle for the rest of my life. I never struggled as a young lawyer. One of the reasons I never struggled was because the lawyers in this town looked after new admittees. They sent them cases and referred them many cases. My God, I guess every lawyer in this town referred me cases. I know they did; others the same way for many years like Milt Keefer and Bill Coulthard and Howard Cannon. Howard Cannon immediately went in a law practice with L. O. Hawkins, who had been a district court judge in Winnemucca for many years. Milt and Coulthard both went in Leo McNamee's office. George Franklin, he was an independent lawyer. He opened his own

office. He was raised in Las Vegas and opened his own office.

I practiced law in this town for ten years before I ever signed a stipulation. A lawyer would call you up and say, "Harry, I need a couple weeks more to answer." "You've got it." Never send a stipulation over and you never took advantage of it. The only lawyer in town that I have heard, he never did it with me, was L. O. Hawkins who occasionally would make lawyers sign a stipulation. But he never did it with me. L. O. Hawkins was a fine old man. He got beat by Merwyn Brown in Winnemucca for district court judge and he became very, very bitter. He was grouchy and grumpy. He was so ornery that I enjoyed it. I tried cases with him, against him a lot. I loved to dig him and get him madder than he ordinarily was. But to my surprise, when he died, I got a call from Mrs. Hawkins and she said, "Harry, as you would expect, the judge left directions as to his demise." I said, "Yes, I would expect that." She said, "He left a list of pallbearers and you're one of them." She said, "Would you please serve?" I said, "Why, sure I will."

Across from the courthouse where there once was a library, was a Masonic Lodge building. And L. O. was a Mason. Richard Bryan's father was Oscar Bryan, a local lawyer. One of the funniest guys I ever knew in my life. A Masonic funeral lasts almost as long as a Mormon funeral. Of course, I don't know if you're a Mormon or acquainted with the Mormon funerals, but they last a week. Everybody brings their lunch, their dinner. And then breakfast the next day. Well the Masonic funeral is almost the same and everybody takes a shot at the Devil. They're going to be sure to get him into heaven in fine shape. After the funeral, the pallbearers lined up outside of the lodge. We're on the eastside of the walkway and Oscar Bryan and people were gathered behind me, and there was a

long delay in bringing the body out. Finally, somebody standing behind me said "Jesus Christ, what's keeping him?" Oscar said, "Hell, I know, he won't go!" He had a helluva reputation for being stubborn and ornery and even mean. But I liked him. He had been through the wars we'd had in the courtroom and he must have had tremendous respect for me or I'd never been listed as a pallbearer, you can bet on that. I was grateful, really, for that because he'd been such a pain in the ass.

*When you were on the police department did you have an occasion to come into contact with the various lawyers? Did you testify?*

Oh yeah. Yeah. Unfortunately I did not have an opportunity or an occasion, rather, to testify very many times, because there weren't that many prosecutions and the fact that my work primarily was administrative in the detective bureau. Of course, the field detectives were called all the time because they were the guys who gathered up the evidence. They were the guys who really were responsible for making the case. However, I always took the confessions and in those cases I always had to testify.

*I have a Review-Journal article of November 26, 1946, and apparently you left the police department at that time to become the rent director for the local Office of Price Administration (OPA).*

It was federal rent control.

*Is that because of the war?*

Yeah, yeah, during the war there was federal rent control everywhere. Of course, it was still lingering in its final stages at the end of the war. Judge Henderson had been the

OPA director. Cliff Jones resigned as district judge and Judge Henderson was appointed. Judge Henderson sat down next to me in a restaurant one morning, and he said, "I think I'm going to be appointed district judge. It looks like Cliff Jones is going to resign. I've been pretty well assured that I'll be appointed. Would you want my job?" I said, "Sure, more money." He said, "OK, you've got it, if that happens. I'm sure it will. I think it'll happen in three or four days." Well, it happened the next day. The next day Cliff resigned and the governor appointed Judge Henderson. The next day the state director of the OPA said, "I have an agreement with Judge Henderson to appoint you as the director in Las Vegas." He said, "Would you accept it?" I said, "Sure." He said, "I'm going to sign your appointment now. Can you go to work tomorrow with Judge Henderson?" He said, "He's going on the bench tomorrow."

*Things moved fast in those days.*

It was like [United States Senator] Pat McCarran told me one time. Pat McCarran always made appointments to United States Attorney, and federal judges and any federal officer that he could appoint under the law immediately. There was a vacancy, boom! He told me why he did it one time. Pat McCarran was a drinker. In my early days, so was Claiborne. Pat told me over a drink one time, that he did that because it kept all of his friends from getting mad. He would say, "Jesus Christ, John, I didn't know you wanted that goddamn position. If I had known that, you'd have gotten it, you know that." If the son of a bitch died, this guy got appointed the next day. Then he told everybody else, who he wasn't going to appoint anyway, that he was going to appoint them the very next day if he had known about it, for Christ's sake.

He didn't give anybody time to apply, I'll tell you that.

*What did your duties consist of then—with that new job?*

It was not a pleasant job. You had to take action against people; they couldn't raise your rent. If they wanted to raise the rent, they had to apply to my office. I had to determine whether they could raise their rent or not. I could take action against people who raised their rent without approval, and irate landlords were always flooding the office. They couldn't get anywhere with old Bert. I was a young guy and they thought I was a greenhorn and they go in and figure they could scare the hell out of me. It was a miserable son of a bitch of a job. In fact, it was the worst job I ever had in my whole life. Boy, I'll tell you, I went home every night a wreck.

*What did you do with a violation? Who would pursue it? Would that go through federal court?*

Well, we could, but we never had occasion to. We sent a notice that we were going to sue them for a violation. Every single case that I know of, I mean, they put the rents back like they were.

*It was being phased out at that time, I would assume?*

Yeah, it was being phased out. In fact, I think that when I went into the D.A.'s office, that it was so near being phased out completely at that time that I don't think there was another director appointed after me.

*Oh.*

There might have been, I don't know, I don't think so. I'll tell you one thing, I never made any friends in that office, I'll tell you. Thank God I had a lot of friends in the police department, because it looked like I was going to need them.

*I'm looking at the one newspaper article that says rents were raised, and by 10:00 that morning you had fifteen to twenty telephone calls complaining.*

Yeah, that sounds like the job. That's about right.

*The next article seems to be on July 19, 1946, you had a daughter who was born.*

Yes. Nancy.

*Is that your oldest daughter?*

Yes.

*When were you married?*

Nineteen forty-five.

*What was your wife's name?*

Barbara.

*Were you married in Las Vegas?*

Yes. I met her back in West Overfield.

*Is that back in New England?*

Yes. She was a WAC [Women's Army Corps]. Then she came out to Las Vegas after I settled and we got married.

*Where was she from originally?*



She was originally from Springfield, Mass.

*How did she like coming to the desert?*

She never liked it.

*The newspaper article indicates that you were sworn into the Nevada State Bar on December 10, 1946.*

I think I was sworn in December the twelfth.

*What was the residency requirement at that time to take the bar?*

You had to have one-year residency.

*The job with the police department and the rent control, that was until you were able to get the residency?*

Oh yeah, I was living here.

*Was there such a thing as bar review courses at that time?*

No.

*Where did you take the bar exam?*

In Reno.

*Was that the only place in the state?*

That's right.

*Do you recall who you took the bar exam with?*

I remember very well who I took the bar exam with from down here. Milt Keefer was in the FBI and we took the bar together. George Franklin took it. I remember, he was

there and took the bar. I remember very well because Keefer and I had spent the summer studying for the Bar together, every night. I had met Milt in the police department and we became friends. We had a common hobby. I was a woodworker and so was he. We spent a lot of time making tables and chairs. And enjoyed each other. We had a long, wonderful friendship. Didn't see much of each other in the last fifteen years of his life, but that friendship had been cemented long before that.

George Franklin came up to us in the Palace Hotel in Reno, which was the center of action in Reno. We're walking around the lobby and George Franklin came up. George Franklin, as I used to say, hated me until the day he died, and with good reason. We'd be in the courtroom and he'd cite some case and the judge would ask me what I thought about it. I'd always say, "Well, it must be correct, because Mr. Franklin graduated first in his class." I said, "Commencement exercises were at the post office." He'd taken a mail order course. He never went to law school, took a mail order course. The judges laughed a lot and, for that, he never forgave me. I used to do it all the time and he almost got where he wouldn't cite a case.

So he walked up to Milt and I at the Palace Hotel. You know, I'm enjoying this more than you are. Or anybody else in the room, I don't know why. There's something to it, I read somewhere the most enjoyable part of life is your old age and when you can engage in reminiscing about the events of your life. I think that's about true. Well, anyway, George came up in the hotel to Milt and I. He said, "I got a tip." I said, "Oh?" He said, "The question we're going to get on the bar tomorrow, be prepared for it." He said, "We're going to get a question on the Apex Doctrine," and off he went. I looked at Milt

and said, "What the hell's the Apex Doctrine?" He said, "Hell, I don't know." About that time Bill Woodburn walked in. Milt knew him. I had never met him. But Bill came over and said hello, and Milt introduced me to him. Milt said, "Mr. Woodburn, what the hell is the Apex Doctrine?" He said, "Oh, it's a mining principal," and he went through all of that the Apex of the mine, the right to drill, he went through the whole thing with Milt. So we were sharing a room, neither one of us was exactly what you would call financially strong, so we were sharing a room together. We were both in bed and I said, "Milt, you have a list of subjects we're being examined on, I saw you looking at them the other day?" He said, "Yeah." I knew that Milt and I hadn't studied anything about mining, so I got up and turned the light on and he got up and he found the list. I said, "Well look on that goddamn list, I don't think mining's on it." He looked; it wasn't on it. Milt and I used to talk about that thirty years later, and said that's as close to being accurate that George Franklin ever was

*How many people took the bar do you think?*

I think maybe thirty.

*There were only three from Las Vegas?*

I seem to recall there was somebody else, I don't know, from Las Vegas. And, in my mind, it was either [Bill] Coulthard, maybe, I don't think Coulthard. Next year I think was when Coulthard took the bar. But I know that we, that Franklin and I, were the only two who passed from down here.

*Milt didn't pass it?*

No, he didn't pass it that time. He took it the next year and passed.

*How long did it take from the time that you took the bar exam until you received notification of your results?*

I think it might have been almost two months. Maybe a little longer, I don't know. I don't recall at all.

*Were you then sworn in, in Las Vegas?*

Oh yeah.

*The next article I have says that you immediately joined the district attorney's office.*

That is correct

*This was on January 5, 1947.*

That's right.

*Tell me a little bit about the district attorney's office at that time. Who was the district attorney?*

Bob Jones. Bob Jones was a member of Jones, Weiner and Jones. This was a very unusual event in Las Vegas because Bob was a Mormon and so was Gray. There wasn't a habit of Mormons running against each other for public office at that time. Cliff Jones, at that time, was "the man" in Clark County. Pat McCarran ran the state, there's no question about it. Pat McCarran ran the state. There was no middle road you were either a McCarranite or an enemy as far as he was concerned. I guess Cliff was probably the most powerful man in southern Nevada, and he was a young guy too.

Now I don't know what the hell the story was, I never did know what the story was, I don't think anybody else really knew what the story was, but, Louie Weiner, who was Cliff

Jones' partner, had some difficulty with Gray Gubler of some kind. Later on, I inquired of a lot of people and I never did find out. I still to this day don't know what it was, but Louie went to Cliff and Cliff said, "We'll get rid of him." They couldn't find anybody to run, and Cliff made Bob run—his law partner. And I know, I suspect this is the truth, with the understanding that Bob could quit anytime he wanted to. But to get rid of Gray Gubler, Bob Jones ran and he beat him. He won. A real funny story. Gray told me that he knew that I had taken the bar, and he said, "If you passed, I want you to come into my office. As my deputy." I seemed to attract the attention of a lot of people at that time and, so, I kind of looked forward to that. Then, I'm doing quite well; I'm in the OPA office. I knew of the race between Bob and Gray. I didn't participate in it because I wasn't here long enough to feel that I should go out and support either one of them. I didn't know Bob Jones. I just knew Gray. After Bob was elected in November, Cliff Jones walked into my office.

Cliff was about six feet two, thin, and had long legs. Cliff never came into talk to you, but that he didn't put his feet on your desk. Turn around and put both of those long legs on your desk and sit back in the chair. He came in, sat down and put his legs on my desk. He said, "How ya been, Harry?" I said, "Good. How you been, Cliff?" He said, "Great." He said, "Bob Jones beat Gray Gubler for D.A., do you know about that?" I said, "Oh sure." He says, "It's a good thing." I said, "Good." He said, "You're Bob's new deputy." I said, "I'm what?" He said, "You're his new deputy." I said, "How did this come about, Cliff? I haven't heard a thing about this. I don't know Bob Jones." He said, "Well, you don't have to know him." He said, "He'll be calling you. I gotta go." Up he got, took his feet off my desk, and out the door he went. Next day, Bob Jones called me. He

said, "As soon as you hear about the bar exam, I'd like to have you as my deputy. How do you feel about that?" I said, "That's fine. I would love that." I didn't tell him Gray Gubler had told me the same thing. Sure enough, when I applied to the bar I called him up and told him. I guess we were sworn in together the same day, January 5. Started out with Bob, I was the only deputy at that time.

*So the D.A.'s office consisted of Bob Jones and yourself?*

And I immediately worked my way up to chief deputy.

*I know years ago that people in the district attorney's office could have outside private practice.*

Private practice, yeah.

*Was Bob Jones still in the law firm of Jones, Weiner and Jones?*

Oh yeah. In fact, he spent a lot of time over at his law office. Well, you can imagine, I mean, Cliff Jones got all the juice from Clark County, so you can imagine what kind of business they had.

*Here's a newspaper article on January 10, 1947. You'd been on the job about five days, and it says, "Claiborne Handles Nine Actions in Two Hours."*

I remember that. Jesus Christ. I astounded people. It was stupid. I think all of them were for arraignments in court. Calendar calls for Christ's sake. I couldn't believe it when I picked up the paper and it says it was some kind of record for handling cases. But I guess there wasn't very much happening in Las Vegas in



those days. Al Cahlan ran the *Review-Journal* and he had to write something. God, that became a hell of a story.

*Here's one that says that the justice of the peace was Harvey E. McDonald.*

Right, Harvey McDonald.

*Tell me a little bit about him at this time, if you know.*

Harvey McDonald wasn't a lawyer. He was from an old family here, though. I think he was born and raised in Las Vegas. His family owned and operated a hotel at that time, what was called the McDonald Hotel. It was located over on Sixth or Seventh Street. He ran for JP and he was elected. That was a hell of a lucrative job in those days. You can't believe how lucrative it was: everybody that was in that office for twenty-five years made an unbelievable amount of money marrying people.

*Why would they go to the justice of the peace to get married?*

They didn't have a marriage commissioner.

*Oh, they didn't.*

That became because of that. Because, you see, the district court judges could marry people, but they can't charge. I think I'm right. And hell, it was a bigger racket in Reno than it was in Las Vegas. The marriage license was issued by the county clerk, and the county clerk would take them in to the judge. The judge would recess the court. They'd go in the judge's chambers and the court reporter and his clerk would be the witnesses. They'd get married and the judge would come back

out and take the bench and go ahead with the trial. I was in Reno trying a case before Judge [A. J.] Maestretti one time and I'll swear to God, I believe this with all my heart, that this is the truth. He must have recessed in one morning the trial six times to go marry people. The clerk would set them down on the back row of the courthouse, give old Maestretti a signal, "Ladies and Gentlemen we are going to be in recess now for about fifteen minutes." Then he'd admonish them not to discuss the case and off the bench he'd go, in and marry them and come back.

*How long was Harvey McDonald the justice of the peace?*

Oh, he was one term, as far as I remember. That's four years.

*This article also refers to a lawyer by the name of Charles E. Catt. Tell me a little bit about him.*

Charles Catt had been a very, very good football player at some university. I don't recall which school it was. Charlie Catt was a real hustler. He hustled business pretty good. He became primarily a personal injury lawyer. I know this happened because I read the transcript, I know this happened. It was a woman on the bus over on Bonanza, a black lady. The bus driver is in a really bad mood that day, or hung over, or what have you. She's going down the street. To get off of the bus, you pushed button near the seat and the bus driver would pull over and stop. It didn't have regular bus stops.

So he was going along and he got right on Bonanza, right in front of . . . Feed Store on Bonanza. This lady pushed the button and got up and started walking down the aisle. The bus driver swerved the bus over to the curb just as she got in the aisle. When she got

down to the little foyer of the bus, he opened the door, slammed on the brakes at the same time and she went tumbling out. She's lying on the ground and, I guess, in great pain. Charlie Catt sued the bus company. Charlie had her on direct examination and said, "Would you relate what happened?" And she did. He said, "Were you rendered unconscious?" She said, "What's that?" He said, "Were you knocked out?" She said, "Yes." He said, "Now, when you came to, what is the first thing you remember?" Now he had coached her to say my leg hurt, my back was killing me, my neck was hurt, and you know. She said, "The first thing?" He said, "Yeah." She said, "You were standing over me with your card in your hand." Honest to God, that was in the transcript.

One day McNamee called me up on the phone. In my day, I guess I was a pretty good storyteller. I used to tell Frank McNamee a lot of stories. He called me up on the phone and he's laughing and he said, "When you get a minute or two come over here I want to show you something." He showed me the actual transcript so I know it said that. "You was standing over me with your card in your hand."

*Was he a pretty active lawyer?*

Yes he was. His wife was very active in the Democratic Party, very active.

*Virginia, was that her name?*

Virginia Catt. Yeah. And boy was she productive.

*Did he practice for a long time? I've seen his name from time to time but I don't know that he practiced law as long as you did.*

Oh no, he died, Jesus Christ, Charlie died with a heart attack back in the 60s.

*You went to work for the D.A.'s office in January of 1947, and it looks like in February of that year, just a month later, you went to trial on a case called [State v.] Frederick Teeter [65 Nev. 584 (1948)].*

Yeah.

*Tell me a little about that case. That's a pretty well known case.*

It sure is. It got reversed for improper remarks I made to the jury on two grounds. The other was Judge Henderson allowed testimony of a dying declaration that they said was not a dying declaration. Of course, I've always maintained that they were wrong and so did the judge.

*What was that case about?*

I don't remember the victim. The victim and Teeter robbed a jewelry store. They went to the El Cortez. They had a room in the El Cortez Hotel with the loot, and they got in an argument. Frederick Teeter pulled out his gun and shot his companion, and fled. They called an ambulance. A cop by the name of Sam Irick got into the ambulance with the injured man. On the way to the hospital, he told Sam Irick, after Sam says, "What happened?" He said, "It was an accident. Teeter shot me. It was an accident." I think that Dr. Jack Cherry operated on him, which was pretty risky. I ain't going to have any friends after this either. Anyway, I'm already down to two. He lived two days. John Bonner was defending Teeter for the murder case. We filed against him.

When it come time, John Bonner called Sam Irick and was trying to introduce this as his dying declaration. I stood up and I said, "Your honor, I want to hear this out of the presence of the jury," and he sent the jury out. I said, "This is not a dying declaration. He lived two days after he made this statement to the police officer. A dying declaration rests upon the premise that the declarant is in the last extremis at the time the statement is made. That's what excepts it from hearsay." He ruled. Wouldn't let it in. Appealed to the supreme court and the supreme court reversed it. Held it was a dying declaration.

In closing arguments, John Bonner had said something about that "we have fought a war. And a lot of people had given up their lives and shed their blood so that democracy and the system of justice would prevail forever." I told the jury, "That's true." I quoted what he said. I said, "I know something about service in World War II. I have some knowledge of the reasons that we fought the war, and it just so happens that one of the reasons we fought the war was to rid the world of international criminals. I'm just bringing that doctrine down to Las Vegas and going to get rid of Mr. Teeter." The court held that the remarks were improper. The funny thing about it is, my God, I mean that ever since then they've condoned worse than that, time and time again.

*So they convicted him, Teeter.*

Oh yeah.

*Then reversed it.*

Then they came back. Now I'm out of the D.A.'s office when it was tried the second time. I don't know who in the office tried it the

second time, but he was convicted the second time.

*I had dinner on Friday with Dan Seaton who knows a little bit about prosecutorial misconduct.*

Oh, does he ever.

*And he told me that you may have had the very first case to be reversed in Nevada for improper remarks.*

I did that.

*Was that the first one?*

That's a landmark case on improper remarks. Yeah, it was a funny thing too. Prosecutors have hounded me with that all my life. "Now, here's *State v. Teeter*, you remember that, don't you, Mr. Claiborne?"

*I'm looking at a newspaper article dated March 13, 1947. "Claiborne Made Head Of AMVETS." Is that the Veterans of Foreign Wars?*

No, it isn't. It still exists in a very minor way. The AMVETS was actually an association of American veterans. Better known as AMVETS like the American Legion. It was in existence at that time as a result of World War I, but not Veterans of Foreign Wars. Various military organizations sprung up, one was AMVETS, the Veterans of Foreign Wars. It became quite large, particularly in the East. It kind of floundered in the West. There was a chapter here in Las Vegas, oh, I guess, for ten years. We faded out. I mean we didn't have a meeting place, a building, and no way to finance it except through dues and it just finally went by the wayside. But I was its first president.

*This was when it was first opened?*

Yep.

*It had some names in here that at least are familiar to me as Las Vegans. Marl Hopkins?*

Marl Hopkins was a detective in the police department. Later on worked for me in the rent control office and was a very well known person for many years. Then, he moved to Twin Falls where he became captain of the detectives up there on the police department. I believe he became chief; I'm not sure.

*Phil Cummings?*

Phil Cummings, old-timer in this town. I'm sure that if he wasn't born here, he was raised here. He was a public administrator for forty years.

*Ed Freitas?*

Ed Freitas was a businessman. He was in various, various business enterprises. Interests in some real estate and insurance business and had some interest in gaming clubs. I don't remember which, but he was very prominent. Very nice guy.

*Bill Thorne?*

Bill Thorne is still living and he lives here in Las Vegas. Bill Thorne was one of my original downtown military policemen. He is the only one of them, I guess, living. He had been an executive in the gaming business here in Las Vegas all his life. Since the war ended, he went to work for one of the clubs, and he's worked at a number of clubs. I heard recently that he has Alzheimer's and I'm sad about that. I regret that I didn't get around

to see him, didn't get around to maybe go to dinner with him, visit with him before he had Alzheimer's, and I regret that I didn't go to see him. Haven't gone to see him since he got Alzheimer's. Bill Hanlon, who I went through the mill with for a lifetime, died with Alzheimer's. I went to see him a number of times and he didn't know who I was, he didn't know who he was, didn't know where he was, and I left there one day and I said, I'll never go see another person who has Alzheimer's. It takes too much out of you. And they don't know you're there. I did the same thing with Milt [Keefer].

*Next name is Mary Knapp.*

Yeah, Mary Knapp was the wife of Ed Knapp. Ed Knapp was a detective in the police department for a while. Then he went back and he finished his college degree, got his degree. He was a World War II veteran, then he became a teacher here in Las Vegas, and, of course, eventually became a principal at the schools. Ed is dead now. Mary was a flyer, a pilot in World War II, flying cargo ships, planes, and that's who Mary Knapp was, Ed's wife.

*Clarence Heckethorn?*

Well, Clarence Heckethorn was, oh hell, he's had every important job in the state of Nevada, I guess. At one time he was editor of the *Review-Journal*. He's headed several state agencies from time to time in this state. Hell, he was a young guy then—redheaded and freckle-faced.

*Kenneth Van Vorst?*

Ken Van Vorst. Ken Van Vorst was, actually, really a hero in World War II. He

got citations for bravery and several oak clusters during various campaigns. It seemed like he was in all of them. Great American. Now, he would be a staunch Republican. He would probably walk hand-in-hand with this guy from North Carolina, what the hell was the senator's name? The archconservative [United States Senator Jesse Helms]. He bled red, white, and blue. I dearly loved him, and he was a neighbor of mine for fifteen years.

*George Allen?*

George Allen. George Allen was another of my MPs in my crew. He made his home here in Las Vegas. Later on became chief of police and I believe somebody told me that he died the other day.

*Sherwin Garside?*

He was the son of the original owner of the *Review-Journal*. They called him Scoop. He was a newspaper reporter for the *Review-Journal*.

*Sherwin was called Scoop?*

Yeah. He was called Scoop Garside. Nobody would know him by any other name. Everybody knew Scoop Garside. But then, Garside sold half interest in the paper to Al Cahlan. I don't think Al ever owned all of the paper; I think it stayed half and half all their lives.

*Well the people I've just named were other officers, beside you, that were sworn into the AMVETS.*

Yeah.

*You were the president and they were the officers?*

Yeah, yeah, yeah.

*We're talking about Louie Weiner.*

Louie and I were together, I know we were. We were together with Justice [Cliff] Young; he interviewed us, together, one afternoon. I tell you, Louie got rich, but he didn't get rich in the law practice, he got rich in slot machines. He was a neighbor of mine for a number of years. I knew his former wife and his kids pretty well. He fell in love with an Indian. He got with her in a motel down in Arizona. She divorced him—his wife divorced him. She was a beautiful woman. I think one of the most beautiful women I ever saw in my life. Her name was Tootie. Beautiful, sweet, I always thought an extremely nice person. But I never saw her anywhere but out in public or they were in my house. You never know what their true characteristic is. Maybe hell in the household, I don't know. But she always struck me as being a nice person.

Of course, Louie, he bothered me a lot, and sometimes I thought Louie was actually an imposition. But you can't get mad at a guy who has respect for you, who wants your opinion all the time even though he gets bothersome. God, he'd run over—he didn't call me on the phone, you could pretty well get rid of somebody on the phone—but when they run in your office and sit down and they are a friend, you can't ever get rid of them. But, you can't get angry at him because he wouldn't be there if he didn't respect you, and he didn't value your opinion.

*Now when he was arrested at the motel in Phoenix, is that when the newspapers were tipped off. When they came down to photograph him?*



Yeah, they were tipped off. Oh yeah, I remember that very well.

*Louie has told that story about a thousand times.*

I know. I tell ya, he got where he laughed about it, but he was devastated when it happened, I'll tell you that. That one instance, that broke up his life. Later on he married her, so I don't know.

*Married the Indian woman?*

Yeah, he married her. I mean he divorced her and then he was living with a very nice person, a girl, when he died. No he wasn't, I think she had just filed a palimony suit against him. I know, yeah. So she wasn't with him when he died.

*You've mentioned Frank McNamee to me. I know that there was a Leo McNamee. Can you give me a little bit of run down on the McNamee family.*

Leo [Jr.] and Frank's father [Leo McNamee Sr.] was a lawyer. He came to Las Vegas when it was absolutely desert. Leo and Frank were raised here in Las Vegas. Leo [Jr.] became the leading lawyer in this community for all his life. When I started practicing, he was the "leading lawyer" in this town—the most prominent lawyer. Frank was not the most prominent lawyer in this town, but Frank was the smartest. You seldom will meet anybody in your lifetime as brilliant as Frank McNamee was. Masterful judge. So was Judge Orr. Judge Henderson, fine gentleman whose opinions were always right for their own reasons. He wasn't strong academically. He had a great history, but a man who called them like he saw them. Believed in the right wherever it

was with all his heart and soul. Good lawyers, respectful to the lawyers, but many times didn't know what the hell he was doing.

*Did Frank have children?*

Frank was not married; Frank never married.

*There were younger McNamees that became lawyers, who did they come from?*

Yeah, they were Leo's kids.

*I have a paper here that's dated March 13, 1947. It has to do with Corporal Bernard T. Brannan that you prosecuted and apparently he was acquitted. He claims that he blacked out as a result of some war experiences and that was his defense on the case. Does that sound familiar to you?*

Was he in the Navy?

*It was negligent homicide on an accident. Apparently he was driving and drinking.*

He was driving with his car wide open and however fast they were going in those days, over eighty-five or ninety mph I guess. He ran into some people, some guy in a car and killed him. We tried him for manslaughter and they brought experts in, saying, that he was, at the time of the crash, that he was having an epileptic fit. He was a sailor as I recall. I kind of got a picture of him in the court room and he was there with his uniform. He was one of those cases where, I think, I only lost two cases when I was in the D.A.'s office. That was one of them. He was a sailor, they felt sorry for him.

*It says in the newspaper article that he claimed that he had "only sipped."*

Yeah, that's what he said.

*Then you have a great comment, "When I was in the Army, I laid down the price and drank my money's worth, and any soldier I've ever seen has done the same." Does that sound about right?*

Yeah. Well, you see in those days we didn't have blood tests and, that I recall, the breath-o-meters. We had to rely on what the investigating cops said. Eyes were bloodshot, and they smelled an odor of alcohol, he was unsteady on his feet. You didn't have the proof to go by. How can you just sip a drink? I knew that was a damn lie. No damn sailor or soldier is ever going to sip a drink.

*This case I have is one that I think had some notoriety, Cliff Helms.*

Oh God. Cliff Helms was Benny Binion's bodyguard. Kell Housells ran a casino that was next door to the Pioneer Club, called The Las Vegas Club. Benny Binion had to leave the state of Texas. They had a crusade in which they elected a new D.A. and a new sheriff. He had control of the rackets in Dallas, Texas, at that time and his deal was over and he had to leave. In fact, he made a deal with the D.A., which the D.A. later on chickened out on it. According to Benny, he walked in and told him, "I guess my deal is up," and he said, "Yes." He said, "What if I left the state?" He said, "Well, if you left the state, I'll never prosecute you for what you've done while you were here." So he left and came to Las Vegas.

You read stories about he had two suitcases full of money. Well, I'm sure he had more than two suitcases full of money. He bought half interest in the Vegas Club from Kell Housells, and Kell was the biggest businessman at that time in Vegas. He owned

a large part of the El Cortez, he had the biggest taxi cab company in town called the Grey Line, a lot of other businesses. Eventually, he owned a half interest in the Tropicana Hotel years later. Good man; ran racehorses, and good ones. Had one horse that won the Santa Anita Derby, and a good friend of mine, all his life. He sold half interest to Benny because he was anxious to have somebody with his ability run the club because he couldn't oversee everything he had.

Benny had a whole floor in the Baker Hotel in Dallas, with a casino, even though it was illegal. Did that for years. He had a whole crew. Craps dealers, twenty-one players, he had his own crew. He brought them all to Las Vegas. They went to work for Kell at the Vegas Club. They phased out most of the people that were working there. Very soon, as people said in the community, and I said the same thing as everybody else, pretty soon the Texans took over—all of them wearing cowboy boots and talking with a Texas accent. It was really easy to pick up on who was working at the Vegas Club. Benny brought his bodyguard by the name of Cliff Helms; who was a cold blooded, vicious, son of a bitch who strutted around like a peacock all of the time wearing two silver forty-five caliber pistols in his holster. He dressed, almost always, in black. I guess Benny depended on him to protect him.

A guy was hanging around the club, that both Benny Binion and Cliff Helms both knew, who had a very, very violent past. I don't remember his last name, but I remember his first name was Frank something [Ferroni]. He began to cause a lot of trouble in the Vegas Club. Helms, one day, called him into the storeroom down a hallway, off the only men's room in this place, and tried to beat him to death with the butt of his gun. I don't know how many times he must have hit the guy because the guy's head was practically mush

when he was shot the first time. There was blood all over the walls. These things I saw all night. I'm sitting home, and phone rings. It was Peter Reid of the police department detective bureau. Pete said, "Harry, I'm sitting here with Bill Hanlon. We got a problem. We've called Bob Jones, and Bob said to call you." He said, "The bodyguard up at the Vegas Club has shot and killed a man, and Benny Binion and Kell Housells will not let us go in and investigate it. We don't know what to do." I said, "Well, I'll be right down."

I went down to the police station, which was located then right behind where the Horseshoe garage is now. There was an alley between the hotel and where the Horseshoe is now and the police station. I drove in and parked and went inside. I immediately came to the door and they told me the whole story in the doorway. I said, "Let's go up there." We went up. Benny and Kell were at the bar. The body was laying back in the hallway. The guy was shot seven times with a nine-millimeter pistol as I recall. I walked up to Kell because I knew him. I said, "Mr. Housells, I understand that somebody's been shot in your club and I understand that his body is back here somewhere. The detectives are here to investigate and I understand you won't let them back there." He said, "Harry, we take care of our own. That's the way it's always been and that's the way it will be." I said, "I don't know anything about that. I haven't lived here long enough to know about that. Look, you're wrong. It may be the way it used to be, it will not be the way it is now, believe me. Times have changed, Mr. Housells, and you have to change with it." He said, "They can't go back."

I turned to Pete Reid and I said, "Call Captain Patterson." I saw him when I was there. I didn't talk to him. I said, "Get me two uniformed policeman down here." Within just minutes, a couple showed up. I said, "Go

wake Jake Von Tobel [owner of a hardware store] up." I said, "Check the front doors. I don't know how many chains you'll need, but check on the front doors and go down and get as many chains as you need and as many padlocks as you need. When you get back," I turned to Pete, and I said, "I want everybody out of here and I want the doors padlocked." Housells said to me, "You don't dare." I said, "Wait and see."

We all stood there and said nothing; I guess forty-five minutes passed. The cops came in with chains and things and I said, "All right, get everybody out. That includes you and Mr. Binion, that includes everybody." And he said, "Oh, OK." We had to make the investigation. I figured, well, ain't going to find a thing now. But there was one guy, it was a black guy, who had gone into the bathroom, the men's room. When he came out, Frank began to stagger down the hall, blood pouring everywhere from him. Cliff Helms stepped out behind him and while he staggered down the hall he shot him seven times. Every damn shot in the back of the head and the back. He shot good.

Well, I went down to the police station and I sat down in the detective bureau. Pretty soon the chief was there. Pretty soon the detective was there and they led Cliff Helm in. They had, in a plastic bag, a knife. We didn't have to warn people of their rights in those days, and so I said, "Do you want to tell me what happened?" He said, "He attacked me with a knife and I tried to beat him off of me and I couldn't and I finally wound up, I had to shoot him." We always sent the body out to Dr. Cherry, who was the medical examiner. We had no morgue and under the law, the sheriff was the coroner. So, they sent for the sheriff and he had the body transported to the hospital. Cherry began his examination of the body. Cliff said, "He cut my tie." I said, "Oh."



He said, "Yeah." I said, "Do you have a knife, Cliff?" He said, "Yeah." I said, "Let me see it." And he hands me a knife. I said, "Give me a plastic bag." They did and I dropped it in and I said, "Seal it." He said, "What did you take my knife for?" I said, "I think you cut your own tie." He said, "Well, what makes you think that?" I said, "I think you held your tie like this and cut it with your own knife." I said, "If a guy swiped at you and stabbed at you with a knife, it wouldn't cut your tie in that manner, I don't think." He laughed. Well, sure enough, we sent it to the FBI and they found he had on a tie, it was a silk tie, and with very unusual silk. The expert that I had come out and testify found three little minute strands on his knife.

#### *Helm's knife?*

[nods yes] He even traced where the silk came from. It was a very unusual silk. It came from a certain province in India.

I went over and when I got the report from the medical examiner, I filed a first-degree murder charge against him. There was a lot of political intrigue. You don't deal with powerful people in the community with any great deal of cooperation or even satisfaction, as far as that is concerned, with cases like that in Las Vegas in those days. I don't think that the odds of us getting a conviction would have been very great, I imagine that about ninety-nine to one he would be acquitted. A lot of attempts were made to get us to dismiss the case.

To Bob Jones' credit, he took a lot of heat. His answer was always, "It's Harry Claiborne's call and whatever he does I'm going to back him. If he wants to dismiss it, I'll back him because if he dismisses it, he'll dismiss it because it should be dismissed. And if he prosecutes it, I'll back him all the way."

I was not the most popular guy around in those circles. I prosecuted. Bob sat in on the case. The first vote of the jury was eleven to one with the death penalty. Eventually, they convicted him of first-degree murder with life. They didn't have in those days "without parole" or "with parole." Of course, they appealed and the supreme court sustained it. He died in the Carson City prison. I know it was the hardest case I ever tried—outside of one. I defended Robert Williams in Reno who killed two lawyers and a clerk. And took a beating, which was the worst experience I've ever had in any case I ever handled. But this one was next to it.

#### *Who was defending Helms?*

Ryland Taylor, who later on became a district judge. Art Ham, Leo McNamee, Milton Keefer, and Bill Coulthard.

#### *Were these at various times or all at the same time?*

All at the same time.

#### *Did Bob Jones help you prosecute him?*

Yes. Bob worked with me in putting the case together. I know he did. He participated in the trial. In direct examination, I think he handled maybe a couple of witnesses. I know he handled Dr. Cherry, I remember that. We got wind that there was a black guy who was in there and saw it. When we got to him, somebody overlooked him on the defense. Binion and Housells and that group overlooked him. They may have never known he was there. He was a very truthful old man. His son then became a cop, later on; and a detective and retired from the police department. I think he was probably, I know

he was, the first black detective on the Las Vegas Police Department.

*Did Helms testify himself?*

Oh yeah. Oh yeah. Oh yeah. Oh yeah. But the tie and the knife is what sewed it up. I mean a juror told me later on. It sewed it up. The guy he killed needed killing. He was really was a mean bastard. An actual witness testified that he was leading a horse one time, and the horse almost ran him down. Horses will do that. Hell, I've had horses all my life. He pulled out his knife and cut the horse's throat. He was no good citizen.

*I know that you were friends with Kell Housells and Benny Binion. Were you friends with them before this occurred?*

I was a friend of Housells, I didn't even know Binion. That was the first time I ever saw Binion. It was the first and last time that I ever saw him, until the day he hired me as a lawyer when I was starting private practice. I resigned from the D.A.'s office to run for the assembly and went into private practice. It was in the paper that I had resigned. The next day, I'm started down to the State Street Café to have lunch. I met an investigator from the D.A.'s office, a guy by the name of Ted Cupid, who later on I got the governor to appoint as the first probation officer in the state of Nevada. And Farmer Page, who was one of the owners of the Pioneer Club, was standing on the street corner talking to Benny.

I knew Farmer because I used to drink in the Pioneer Club when I was in the military police. I knew him quite well. He said, "Hey, Harry, I hear you resigned." I said, "Yeah, I resigned yesterday. It's effective Friday." He said, "What are you going to do?" I said, "Well, I'm going into private practice and

I'm going to run for office." He said, "Good, I'll help you." He said, "You know Benny?" I said, "I've seen Mr. Binion, how are you?" I shook hands. He said, "You're quitting the D.A.'s office?" I said, "Yeah." He said, "I want to hire you." I said, "What kind of trouble are you in Mr. Binion?" He said, "Well, you're still in the damn D.A.'s office today aren't you?" I said, "Yes." He said, "When will you not be in the D.A.'s office?" I said, "Friday. Friday at 5:00, I'm out of there." He said, "Come see me. I got some troubles coming from Texas." I said, "Well, Mr. Binion, from all I hear you don't like me very well." In fact, during this whole Helms thing he dumped on me, and a lot of people pretty good. He looked right straight at me and he said, "Well I didn't know there was a goddamn law that said you had to fall in love with your lawyer." I was laughing and I said, "OK. You got a lawyer." I shook hands with him. Then I represented him a lifetime.

*How did the Helms case affect your relationship with Mr. Housells?*

Very strange thing about that; he personally told me one time, he says, "I have more respect for you than any man I've ever met in my lifetime." He said, "It took a lot of courage for you to do what you did." He was a contributor to my campaigns and a good friend. I used to go to the races and sit in his box and watch the horses run at Santa Anita, Hollywood Park, and Bay Meadows. We had a good friendship all of these years.

*Interesting case.*

Yeah. You see if I had taken any other position I wouldn't have been Benny Binion's lawyer. I sure wouldn't have had the friendship with Kell Housells that I had because when

they use a guy, they have no respect for him, even though it's beneficial. They were the type of men who respected you for doing what your obligations were. I never thought that I was doing anything spectacular back then. I was a chief deputy D.A., that was my job, that was my responsibility. I never even thought twice of not doing, living up to my responsibility, never entered my mind, but I could have made a ton of money.

*By not prosecuting?*

Oh yeah. I could have made a ton of money.

*In looking at this article, reference is made to Louie Weiner. Was he in the D.A.'s office?*

No, no, no. Louie came over during the preliminary hearing. Louie worked with me during the preliminary hearing, he didn't take part in the trial, as I recall.

*Why would he do that, he was in private practice at the time?*

Yeah, I probably asked Bob to appear with us in the preliminary hearing. The heat was terrible—I mean really was on me. I would get phone calls. Later on, both Bill Hanlon and Pete Reid who were the investigators on the case told me they were very fearful that something was going to happen to me before we ever went to trial. Man, I got the most prominent lawyers in town on the other side. I'm young and I'm also new, relatively speaking, and all the strength and the power was on the other side. I needed, and wanted, somebody there with me to support me and for some reason Bob sent Louie. I believe Bob's reason was, Louie would be the most experienced in this kind of thing. Until he got

in the D.A.'s office, Bob had never handled a criminal case in his life.

*Was a lot of pressure put on Bob Jones, on this case?*

From a lot of high places.

*His partner was Cliff Jones?*

Jones and Louie. Yeah. I think Louie was with me in the preliminary hearings and was with me on some motions in district court. I know he didn't participate in the trial. He might have been present. Why Louie was there, I really felt that I was being ganged up on. And you are young, and even then I was strong as a horse but not too damn fearful of about anything. It's probably a trait that later on caused me a lot of trouble on the bench, with the FBI and federal agents. I should not admit that I experienced any fear, but at the same time, I was no fool. When you know that you've got powerful, powerful attorneys who are in the establishment community, and with all the money that they need to work with on the other side, you look over there and there's not room enough at the counsel table for all the lawyers, they got to move in chairs behind each other. You get concerned about, hey, you better get some help.

*I would assume that during the trial, this was such a high profile case that there were a lot of people covering it.*

It was, I guess, the highest profile trial that they had in Las Vegas, except for one case, ever. Probably the highest profile case ever in Nevada was the Bridget Waters case right after World War II. I was in the police department when she went to trial. I didn't work on the case. It was a sheriff department case and she

was a British war bride who during the war married a boy from Las Vegas named Waters, who was stationed in London. He brought her home. Then just walked out on her and went down the street and started living with another woman within a half a block of their house.

They had a baby and he went to take the baby. He began to threaten her. He said, "You're in my home country and you're from England and if we go to court for divorce they ain't going to pay any attention to you. They're going to give me the boy." She believed it. One day he called her up on the phone and says, "I'm coming after the kid." He went over, she took the baby in her arms, and she took his pistol that he had left at the house, put it under the baby and was holding the baby. He tried to take the baby away from her and she turned around with the pistol and shot him. That was a sensational case because it was an English war bride. And old Judge Hawkins defended her. I don't know if my memory is wrong on that. I don't know what happened to her case. I think she was convicted of something like involuntary manslaughter. I don't think she ever went to the penitentiary. That was the most sensational case, probably, ever in Nevada.

*I'm looking at an article here where they mention the name of attorney Paul Ralli. Tell me about him.*

Paul Ralli wrote a book, it's called *Nevada Divorce* [*Nevada Lawyer: A Story of Life and Love in Las Vegas* (1949) and *Viva Vegas* (1953)]. You may have seen it through the years, I don't know. Paul Ralli was a divorce lawyer and he was a character, delightful guy. He was Greek. Paul Ralli, at every [Nevada] Bar Association, would bring gallons of wine. The bar association meetings were always, in

those days, at the Green Shack and started at 12:00 and lasted until about 9:30 or 10:00 p.m. in the night. He always brought different kinds of wine by the gallons. It was a terrific bar. God, we did a number on that. But Paul was the leading divorce attorney in Las Vegas.

Now, believe me, at this time, every lawyer in this town is handling, except me, and maybe . . . , handling four or five, not less than four, divorce cases, a day. Every one. The minimum fee was a \$100.00 and until this day even after my heart attack, I still remember the filing fees, \$32.50. Where I gained a reputation as a good trial lawyer was in the DA's office. But the smartest thing I ever did is, when I got into private practice, I didn't take divorce cases. Just on occasion, maybe if it's a friend. I concentrated on trial work. I specialized in trial work. No business practice of any kind, didn't fool with it, didn't want to. I did civil and criminal trial work only. As a result, they were making so much money in the divorce practice, other lawyers in this town didn't want to fool with trials. They'd send their clients to me for the trial. Pretty soon, by God, I mean it sounds awful funny, but I mean it was the absolute truth, I was the only trial lawyer in town.

*I had heard that when the divorce business picked up, people were making money just hand over fist.*

I'm sure that Paul Ralli had six or seven divorce cases *a day*. I'm not talking about a week. Every lawyer in this town was making \$400 or \$500 a day. Then, that was a ton of money. Hell, I bought a brand new Mercury convertible and paid \$1,360.00 for it. That would be three days work for the average lawyer in Vegas. I remember Herb Gambill when I was in the D.A.'s office. Herb was one

of the leading divorce lawyers. Nobody could match Paul Ralli. There was only two hotels on the strip, and they catered to divorcees. It was the Last Frontier and El Rancho. You could go out for dinner at either one of those hotels and every hour there would be a page, "Paging Mr. Paul Ralli, the attorney. Paging Mr. Paul Ralli, the attorney." He was paying the switchboard to page him. Every hour you'd get that. Wherever you went. Everybody knew Paul Ralli was an attorney. The divorcees walking around heard, "Paul Ralli the attorney, Paul Ralli the attorney." He had, I don't know what the car was, a big car, I remember that it was a big convertible. He rode around all the time with the open top and he was good looking, good looking guy. I made an enemy out of him early because he kind of spoke with a little broken English. He said, "I think that's right." I'm in court with him one time and he said something and I looked around and I said, "Yeah, I think that's right." He didn't like me either. He joined George Franklin.

*I'm looking here at another column. This particular one is dated November 10, 1947. It talks about a beef between the city and Reverend F. C. Carpenter. Tell me about that one.*

Reverend Carpenter was a marrying preacher. That was his principal business. In order to keep your license, you had to have a congregation. He had a congregation in his own house, in his living room, where he had prayer services on Wednesday and preached a sermon on Sunday. I had an idea that his congregation was—the largest number ever was twenty people. But it complied with the law. Now, there was an old church building that sat down on Fourteenth and Bridger Streets. It was an old Methodist church. They

built a new building up by the high school and the old church building was vacant. Marion Hicks, who at that time was at the El Cortez Hotel and later on built the Thunderbird [Hotel and Casino], he bought the lot. Well, Reverend Carpenter went to him and said, "I hear you're going to tear that building down." He said, "Yeah." He said, "Well, I'll take it off your hands, you won't have to do that, I'll just move it. I'm a minister, and I need a church." He said, "Great, preacher you got it."

Well, Reverend Carpenter started moving his building to a lot that was located over on Sixth Street. He bought a vacant lot over on Sixth Street. Some houses burned down and he bought the lot. Now he had the foundation built, had a guy go down and measure the church foundation, and he had the foundation built. He hired a mover. He started moving it and got it over to Fremont. He was down somewhere around Twelfth Street coming up Fremont, with the church building, which was causing a lot of traffic problems. The building inspector, which was only one guy, was named [O. J.] Morling. Morling heard about the traffic jam, and he goes down and he sees them moving the building. They don't have a permit. He runs the mover away and leaves the building sitting in the street and said to Carpenter, "You can't put it on the foundation, you have no building permit for the foundation nor the church."

Carpenter come running into my office and said, "I got a church sitting down there sitting in the middle of the street and they won't let me move it. They won't let me put it on my lot because I don't have a building permit." I said, "Well, hell Reverend, go down to the building department and get a building permit, get a moving permit and a building permit for the foundation and ask for an inspection." He did. They refused him a



permit to move the building and refused him a permit for the foundation and, of course, naturally refused to go inspect it. There sat the building. God Almighty.

For two weeks we're running everywhere about this building before the city council. I think the planning commission at that time was one man. We fought a big battle over that Goddamn church and I never got a quarter for it. But I come away with a lot scars, I'll tell you that. We finally wound up in court. Morling finally got mad at me and filed a complaint against Carpenter. We tried the case before Judge [A. G. "Gus"] Blad. He knew about as much law as my dog. I think the trial lasted for two days in police court. They didn't have municipal court, it was called police court. Oh, God. Poor Carpenter finally won. We finally got the building on.

A funny thing, after lying to Hicks, he never had a service there. When he got the building on the foundation, he rented it to Mark Wilkinson Printers. They never had a service in there. I found out that and I told him. He figured that I was doing the Lord's work and wasn't entitled to a fee. Never paid me a dime and then I found out that he rented it and didn't even use it for a church, I really was hot. He came in to see me one time after that and I said, "You old son of a bitch, get out of here."

*Judge Blad?*

Yeah, Judge Blad, I remember, I remember that like it was yesterday.

*Do you think he was a lawyer?*

No, he wasn't a lawyer. I know he wasn't a lawyer.

*The municipal court judge?*

Yes. I tell you who he looked exactly like. He was a little pudgy guy with a real round face. You know that cartoon, "Porky the Pig"? He looked just like Judge Blad. I swear the first time I saw "Porky the Pig," he was the Judge.

*Did he rule in your favor?*

Yeah. Yeah.

*So he was a good judge?*

He was a good judge. Hell, yeah. Reverend Forest Carpenter. God, it seems like to me I was in court on that thing more than once. I do remember police court. I remember old Morling. I gave him the worst time and I made an enemy out him for life. It's a wonder how I ended up with any friends.

*I've seen a number of articles about the Carpenter case because the newspaper was following it pretty closely.*

There wasn't a hell of a lot to write about in those days.

*Did you have any private practice at all when you were with the D.A.'s office?*

Yes.

*What kind of things were you doing?*

When I was in the D.A.'s office I just handled a few divorce cases, that's all. I'll tell you one while I was in the office that I handled. A very rich guy; somewhere back East. His wife came out and contested it. The judge got us all in the chambers and wound up and we settled it very much in his favor. He was so elated that he came in and said, "Harry I'll tell you, you did such a wonderful

job, I never figured I'd come out this good." He said, "Give me your address, I'm going to have delivered to you a new Porsche." Herb Jones was sitting there. Old stupid Arkansas Claiborne, I didn't know what a goddamn Porsche was. I didn't know it was a car. I had no idea what it was. Somehow I thought it was an electric razor. You'd think I wasn't well traveled. I declined it.

*You did?*

Yeah. I shook hands with him and I said, "Aw no, you don't have to do that. I wouldn't feel good taking it." I didn't want to be bothered with it. Honest to God, I thought it was an electric razor.

*Herb was sitting there?*

Yeah. Yeah. He didn't know either. Oh, I'm sure he did not. Now, about six or seven years after that, I pulled in a station that used to be on Charleston, right next to the county hospital. I'm filling up with gas. In those days, they filled your car and I was talking to the attendant while he filled the car and this guy drives up in a Porsche. I said, "Man, that's a neat looking car. What is that?" He says, "It's a Porsche." Oh God. The attendant said, "You going to go tomorrow and buy one, Harry?" I said, "No, I'm going to go home and shoot myself." I never told him why.

*Here's a newspaper article in November 28, 1947. It involves a William Henry Crosby who escaped from jail here and the hospital up in Carson City. You went up to Carson City to get him. Does that sound familiar?*

He escaped both places. Oh, I know the guy. I was in the D.A.'s office. Yeah, yeah, I

remember. I remember that guy, yeah. Yeah, he threatened me all the way back. To show you how things have changed. Here I am a chief deputy district attorney and I'm going with a detective to haul a prisoner back.

*This is an article dated January 15, 1948, and it says that "Claiborne To Serve Temporarily As North Las Vegas City Attorney."*

I was still in the D.A.'s office, yeah. George Rudiak resigned. The mayor went to Bob Jones and said, "Can you have somebody in your office work as our city attorney awhile?" He said, "Well, we'll pay him something like, I don't know what the salary was." Bob said, "Well, he couldn't do that, he couldn't draw a salary in North Las Vegas and in the county at the same time." But he said, "I'll talk to Harry and see if he'll, I know he'll help ya." So I went down there as city attorney. One day I got a call from Bob. He said, "I was just thinking Harry, the next time you go down to North Las Vegas, you better be sworn in." I said, "OK." I went down and the newspaper picked it up and said I was sworn in. Then they called me asked me if I had resigned in the D.A.'s office, and I said no. I told them the whole story. Really, I'm not getting any salary, and I'm just helping them out down there. But in order for my job to be legal, I had to be sworn in and, so, I was actually sworn in to two places. I don't know how Goddamn legal that it is, but, hell I was down there a long time. It seems to me that maybe it was six or eight months. When I resigned the D.A.'s office, I was still there. I was there.

*You were city attorney for quite a while.*

Yeah. I was still there and then they begin to pay me.



*Had you done any city attorney type of work before?*

Oh no. No. No. But I had drawn the first county bond issue for the hospital. I did all the legal work on that. As a chief deputy, I did nearly all the civil work for the county. It was nothing new. It was old hat to me, because they didn't have much. I think there were only about 2,000 people down in North Las Vegas then, they didn't have a hell of a lot of business.

*It says the mayor was C. C. McDaniels.*

That's right, he owned the Chrysler-Plymouth agency in Las Vegas. It was located where the Las Vegas Club is now, right across the street from the Horseshoe. Jim Cashman was where the Plaza Hotel is. Cadillac Company. It had a wire fence about fifteen feet high all the way around it, and it wasn't good wire either. Old Jim bought it secondhand somewhere. Big Jim Cashman, he was about seven feet tall and weighed about 290 pounds.

*I see here where George Rudiak resigned to go into partners with Paul Ralli.*

Paul Ralli.

*That seems like a strange combination of guys.*

It was. George Rudiak and I were in the Army together.

*Where was that?*

In Santa Ana. When I was first sergeant, he was in my company. Every time he went in the office to see the captain, I'd tell him he couldn't see the captain. I'd be sitting with my

feet propped up on the desk, smoking a cigar, and I always asked him, what's your name. He said, "Claiborne couldn't even pronounce Rudiak." He claims I went into the captain one day and said "Ruduco's" out here to see you again. It wasn't hardly that bad.

*Did George come to Las Vegas because he had come here through the military?*

No. I don't know how George came here. One day, I saw where he arrived in town and was going to practice law. I thought, well, I wonder if it is the same Rudiak I know. I didn't know him very well in the Army. About the only contact I had with him was on those occasions he wanted to see the captain. I just barely knew him, but he turned out to be a good friend and he was a damn good lawyer.

*There's an article in the paper from March 25, 1948, on Harvey Dickerson. The headline says, "Claiborne defends police officer for remarks by Harvey Dickerson." He was saying bad things about the police department. Do you remember that?*

Yeah, I remember. He cited me to the bar association claiming that I called him a shyster. Then they got a transcript of the, I think that was McDonald's court too, and they got a transcript from the court reporter and I didn't say that at all. What I said was that it was a shyster statement. And the grievance committee just dismissed it.

*You have a great memory, I am looking right here. OK, it says here, just for the fun of it, Dickerson says that the police ought to have more to do than go around arresting good citizens who lead clean lives for the past eight years. And then you remark that you resent*

*such a remark against police officers who protect the life and property of men like you, Dickerson. If this man is so pure and innocent, why would we be investigating him for passing bad checks in the first place. Although I have respect for my opponent, that is a shyster statement running down the police department.*

That's exactly what happened. That's exactly what happened.

OK.

The son of a bitch had about thirty bum checks all over town and he's talking about good citizens and the police had little to do, running around picking on good citizens, for Christ's sake. This guy had bad paper all over the county.

*Now, what relationship is Harvey Dickerson to George?*

His brother George.

*And then their father was attorney general?*

That's Harvey, the guy I met.

OK.

The brother, he was attorney general and ran for governor.

*Was their father [Denver Dickerson] a governor? I think he was a governor.*

Yes he was. He was a warden of the state penitentiary and governor of the state.

*We're back talking about transporting William Crosby.*

Crosby. We get into Beatty [Nevada] and we go into eat. I don't know what officer I was with, did it mention what officer I was with? I think I was with Pete Reid. I'm not sure.

*A. H. Kennedy.*

Oh, Al Kennedy. Yeah, yeah, he was a deputy sheriff. Later on became city manager. Yeah, he was one of my cops. He worked with me downtown. Military policeman. We get into Beatty and Al said, "You wait here with him, I'll go in and get him something to eat." So I said, "Al, take the shackles off him and we'll go in and eat." He said, "This son of a bitch has escaped two jails, Harry." I said, "What do you want to do? Go over and lock him up in jail so we can go in and eat?" He said, "No, I don't want to do that." He said, "You and I will go in and eat, one of us will stay with him while the other one's eating. We'll bring him something." I said, "Bullshit!" I said, "I'd rather just go on without eating at all, for Christ's sake." He said, "Well, I ain't taking his shackles off of him." I said, "Aw, come on. I'd hate to admit that the two of us will let this guy get away."

So we went in, he took the shackles off him. All three go in and eat and the guy was as nice as he could be. We ate and we come out and all of a sudden Kennedy hit into me. I went staggering back and [smack] there went Crosby. Al's getting up off of the ground, trying to straighten himself and the guy hit a car. [smack] He turned around to look, to see, and he ran into a parked automobile. When he finally got up off of the ground, we were both on him. Al said, "Holy Christ, I kept telling ya. I kept telling ya, and you wouldn't listen." I said, "How long is this going on, Al?"

*Attempted escape number three.*

God. When I think about it, here is a chief deputy D.A., hauling prisoners. I never can believe that, you know.

Bert [Henderson] called me one day and said, "Come over here, I want to talk to you." He said, "There's an estate. Carl Christiansen and Tom Bell represent the estate. John Mendoza represents the girlfriend of the deceased. In his last illness, he deeded over to her property that's very valuable. In fact, it's worth about \$200,000. He was a friend of mine. These two god-damn idiot lawyers are going to lose this case." He said, "They don't know what the hell they're doing." He said, "Mendoza's not anything to write home about, but he's a genius compared to those other two idiots." He said, "I want you to come into this case and represent the estate."

I said, "Well, I can't do that Judge. Jesus, are you kidding?" He says, "The hell you can't, I'm going to appoint you." I said, "I don't know whether to." I didn't get it out of my mouth—and he said, "Don't finish the sentence. I know what you're going to say. I'm going to do it anyway." He said, "I'll see that you're paid." He said, "You know, you just file a motion for fees and I'll see that you're paid."

Well, I went over. Tom and Christiansen were partners, law partners. I went over there. I said, "Here's the score. Now I want you to know right now how it came down. I'm going to explain everything to you. I don't want to come in there and push you out of the case." They understood. Tom said, "Ole Bert's been very impatient with us and most uncomplimentary." He says, "I don't appreciate it but there's nothing I can do about it." He says, "You're welcome into the case."

So I went in. I beat ole Mendoza's brains out in a jury trial. We won it. Now I file a petition for fees. George Dickerson had

just been admitted to practice and he was in Harvey's law office at that time. He was in Bert's court the day it came up, sitting on the front row. When my petition for fees was heard, I got up and I said what I had come to say. Bert said, "All right. I want to tell you right now, everybody in this courtroom listen to me." He went through this whole bit and he said, "This shows ya how sometimes justice flies right out the window when you have incompetent counsel."

*He said that in open court?*

Open court! He said, "In litigation, everybody should have a fair chance." He says, "I saw that the executor of this estate was not having a fair chance with the lawyers he had and so I called Mr. Claiborne. I had him come over and I appointed him in this case." He says, "Because, I wanted to see justice done. And he did exactly what I thought he would do. After that, I'm going to award you a fee comparable to the good job that you did. It is the order of the court that you should receive the sum of \$500." [laughter] George began to laugh so loud he began to choke himself on the front row. I didn't even know him then. I just knew him when I saw him. Knew he was Harvey's brother. I walked back and I looked up and he was laughing. Every lawyer in there was guffawing. All the goddamn work we did, and it's \$500. But that was Bert; he was living back in the times when \$500 could buy a castle.

*Five hundred dollars on a \$200,000 estate? What year was that hearing, do you think?*

Oh God, it must have been in the 60s. I don't think George came down until the early 60s. He [Judge Henderson] died not too long after that, but he wasn't sick then. He was a

grand old gentleman. He was the finest old man. My God. It really got embarrassing. He thought that I was the greatest lawyer that ever walked into the courthouse.

*George Marshall?*

George [Marshall] hated me. He hated me. Boy, he tried to make peace with me only about a couple of years before he died. He went to Benny Binion, and he said to Benny, "I've been sick. I want to straighten everything out with Harry Claiborne." Benny said, "Well, I'll have him down to lunch. Ask him to come down for lunch and you guys can talk it out and make your peace."

Benny called me, but he didn't tell me what the purpose was. It was not unusual for him to call me to come down to lunch. I'm representing the Horseshoe at that time and had been for years. I went down and there sits George Marshall. I thought I better not even sit down. Then I thought, Benny has asked me to come down. But, I no more than got seated and I suspected what it was all about.

George said, "Harry, I don't know where these bad feelings between me and you got started. But I want to straighten the whole thing out." I looked right straight at him and I said, "Wait a minute. You don't know why the bad feelings started." I said, "You crooked, lying, thieving, son of a bitch." I said, "You know where it started. And if you're here straightening it out—you're not going to straighten anything out. If you're here to ask me for forgiveness, you're going to have to get that upstairs." I said, "Benny, I'll see ya." So that ended that. He died not long after that. I never shed any tears either.

*Sometimes you get those relationships.*

Oh, hell. He had both hands out.

*How long do you think you were in the district attorney's office before you had a jury trial?*

The next day. Sure. I had a trial set the day after Bob Jones and I were both sworn in at the same time. There was a jury trial the next day.

*Do you remember your last jury trial?*

A guy bought two houses over in the Las Vegas Country Club. He started out to sell one—I forget the word for it when you sell an interest in the house. Time-sharing. That's what it was. Well anyway, they bought two houses over in Las Vegas Country Club and time-shared them. They started out with the country club stopping them. Then they turned around and they sued the country club. My client had sold them the two houses. He was the real estate broker who sold them the two houses and they sued him. It dragged on for a year with depositions and everything else. It did give me an opportunity to kind of form a friendship with Eric [Taylor], who I adore to this day. He's a helluva lawyer. I had a lot of fun with him, too. Finally, Eric settled out and left me holding the bag with the real estate broker. He wasn't about to settle.

So we went to trial. [Judge] Jack Lehman, in my closing argument, stopped it. He said, "That isn't true." I was quoting what some witness said. I spun around and looked at him. He said, "That isn't true and you know it isn't true, and you're not going to do that in my court." I said, "All right. We're going to play this back. The reporter's going to play this back." He said, "Well, we'll do it in my chambers." I said, "Well, wherever you want to do it." We went into chambers and the witness said exactly what I quoted him as saying. Jack says, "Harry, I apologize." I said, "That isn't far enough. You're going to do it

in open court, in front of the jury.” He said, “All right, I will.”

We go back out and he apologized to me and told the jury I was correct. It didn’t come easy with him. I guess to most lawyers it would have distracted the hell out of them, but not me. I’ve been there so many times in my damn life that I just picked up where I left off. The funny thing was, the jury was out just a few short minutes. When he excused the jury, three of them came over to the counsel table and asked for my professional card. I said “Shit, I haven’t tried a case in twelve or fourteen years.”

*The jury found in your favor, right?*

Um, mm. [indicating yes]

*You were telling me earlier that the plaintiff’s attorney in that case made some comments about, “Well, I understand that Claiborne was a pretty good attorney in his day but he’s a little bit old now.” Do you remember that?*

That wasn’t exactly what they said. What was quoted to me was that the judge said, “You guys are in my court Tuesday.” They said, “Yeah.” He said, “Well, Harry Claiborne’s on the other side. You better come prepared.” One of the lawyers spoke up and he said, “Well, I understand he was very good in his day but he’s a has-been, he’s old, and he ain’t what he was once.” That was the remark he made. I went in and I found out early that morning when we got there, what they had said. Man, I went after those bastards with a vengeance. I don’t think they think I’ve lost many steps. I know I have, but they don’t know it.

*When you were on with the district attorney’s office, I think we said about 1946. [January 5,*

*1947] This trial was in the mid-1990s [1993] I know. So that’s about 50 years of trial practice.*

Oh, yeah. Oh, yeah. And about 500 jury trials down the road.

*In the Review-Journal in November 7, 1947, they mention that a woman is working on her first case since being admitted to the bar. Her name is Nelle Price McGaughey. Apparently she was the first woman attorney in Las Vegas?*

Yes, that’s right.

*Tell me a little bit about her.*

Nelle was a very smart young lady. Pretty, very attractive. She was admitted and at that time she was married to McGaughey. I don’t know who he was. I think they were separated at the time and right after she was admitted, she got a divorce. She went into law practice with Paul Ralli. They eventually got married and divorced. When they got divorced, she left Ralli and went into law practice with Roland Wiley. I guess it was habit forming for her to marry the lawyer whose office she was in. She married Roland. I don’t know how many times they must have been divorced and remarried, but a lot of times, I know that. More than three, I know, but maybe more than that. Roland was practicing in those days with a lawyer by the name of Bill Hatten.

*Roland Wiley, what kind of practice did he have?*

Roland Wiley had an excellent practice. Roland Wiley was a damn good lawyer. He was a D.A. one time. He beat me. He beat me in the only case I lost in the D.A.’s office. Clever son of a bitch. He was a good lawyer. Bill Hatten had some kind of an affliction.



Brain disorder. Wherever he was, he was seized with an uncontrollable urge to run. He would just run out of wherever he was, and then run until, I guess, he was exhausted. I didn't know it then. My offices were next door to the Pioneer Club. Upstairs over what was then the Las Vegas Club owned by Kell Housells. About midway to the Golden Nugget was the Western Union building and it had a suite of offices upstairs over it. That's where Wiley and Hatten had their offices. Now, in those days motions to dismiss were called demurrers.

I had filed a demurrer in Bill's case. Among the lawyers in those days, there was a marvelous fraternity. The courtesy that they showed each other was absolutely amazing. There were no enemies among the lawyers. God, the old lawyers used to send me a lot of cases. I made a habit for years, when young men were admitted to the bar, to send them cases. Other lawyers would do the same thing. Somewhere along the line it was lost. Which is regrettable. But it got top heavy and lawyers began to increase, their numbers began to increase. And professional respect began to dwindle as a natural result of the numbers.

The bar in those days kept the number of out-of-state lawyers to almost nil. It was almost impossible for an out-of-state lawyer to pass the bar exam. They had a good thing and they wanted to keep it. You really couldn't blame them. I called Bill Hatten on the phone, as other lawyers called me. If they had a motion or demurrer or anything else, they would call and say, "Hey, just to remind you to go to court at a certain time." So I called Bill and I said, "You know, McNamee's going to hear the demurrer at two o'clock." He said, "OK." I said, "I'll meet you at 1:45 at the foot of your stairs." He said, "OK." I did. He came down the stairs and we walked over. We

made the corner of what is now the [Golden] Nugget. We made the corner and Bill [smacks his hands] took off. I ran with him. I don't know what the hell's taking place. I'm running also looking around for something to fall on me, or something.

I don't see anything and I ran with him across the street, I guess, it was Bridger. I didn't see anything and I stopped running. I stood there and I watched him. My God, he ran. He got about four blocks down the street and he was still running. I was flabbergasted. I walked into the courtroom and sat down. McNamee had some little matter and he looks over at me and he says, "Where's Mr. Hatten, Mr. Claiborne?" I said "Well, I have an idea he's at about Sloane [Nevada] by now." Frank [McNamee] was laughing. He nodded his head and he said, "Well, he'll be here after a while." That's when I found out he had a brain condition.

*McNamee knew that?*

He knew that. I didn't know that. McNamee had known him a helluva lot longer than I had. But anyway, Nelle was a good lawyer. She ran for district judge a couple of times. Didn't get anywhere. She came into see me one time. She said, "I'm running for district judge and I'd like to have your support." I said, "I can't support you, I'm already committed. But I wish you well." She said, "You don't like me do you, Harry?" I said, "Nelle, I love you. I really do. I don't want anything ever to happen to you. If it does, then I'd be the most married lawyer in the county."

*I saw something that said that she was married a total of seven times.*

She was. Yeah. I know she was married to old Roland three or four times, maybe more.

*I read someplace that Roland bought some property in Pahrump [Nevada] and developed it. Do you know anything about that?*

Yeah, I do. Over there in the canyon, which is now called Crystal Canyon because of what he did. He bought a canyon over there. Roland began to get a little strange. I'm being very kind to him, really.

*Strange in eccentric type of strange?*

Yeah. It became more so as time went on. He went over there and he bought a canyon. He had a lot of property. Of course, he bought before Las Vegas began to grow and he sold it for a good profit. He had some money. He made a religious cathedral out of the canyon. Now, I have never seen it. I never had any inclination to go over there and see it. But a lot of people have told me about it. So there's something to see, biblical statutes all over the canyon and everything else. That's about all I know of Cathedral Canyon and I don't know what the hell it was before Roland named it.

*Did you ever talk to him about it?*

No. No. You know, one of the funniest things—when I had my difficulty, Roland Wiley came to my house. He cried like a baby. He came to give me support, but I was a goddamned wreck when he left. Whatever his mission was, it floundered, I'll tell you that.

*He had good intentions, though?*

He beat me in a case. A kid came from California for the weekend. There was a rooming house over on Garces or Bonneville—one of those streets—called the White House. Some dealers and people

employed in some of the casinos lived there, and other people. This kid was broke and he was walking towards the highway to hitchhike back to California. This is his story, and I know it's true.

He got to the White House and he saw the lights on and he went into this large entryway in this little house. He walked down the hallway until he saw a light. He went into the room, and it happened to be the woman who owned it. She was lying in bed reading a book. He put a knife to her throat, and I'm sure he would have never stabbed her or hurt her, but he took her money. It was a small amount of money; less than \$100, I remember that. He started running down the hallway to exit the place and a dealer came in. He knew that was suspicious and he knew that the guy didn't live there. He tackled him and held him. The old lady came out of the room and they called the sheriff's office, which was right across and a block up the street. Then we charged him. Roland defended him.

Roland had migraine headaches. Bert Henderson was on the bench. When he got ready to make his closing argument he stood up and he said, "Your Honor, I have a terrible migraine headache. And I just don't feel like standing up and making my argument. Could I just pull a chair up here in front of the jury and make my argument?" Bert said, "Why, sure." And his closing argument went something like this: "Now we don't have any probation law in Nevada. They do have in California where this young man is from. Now if you convict him, then he goes to the penitentiary. That's the law. If he had committed this crime in California, where he's from, the court would turn it over to the probation department. They'd send a probation investigator out into the field and make an investigation of this boy. They would



find out that he's a good kid. That he's never been in trouble. They'd go talk to his pastor and he'd find out he's a good boy. Goes to church regularly. He'd go to his high school and talk to his teachers. And they'd say he was a good student and he never was in trouble. He's a nice kid. The probation officer would go back to the judge and say, 'Judge, this is a good kid.' The judge would say, 'All right, bring him in.' They would bring him in the court for sentencing and the judge is going to say, 'You're a good kid. I don't know why you did this, but it's contrary to your character. So, I'm going to give you a second chance and I'm going to put you on probation. At the end of that probation, if you keep your nose clean, I'm going to wipe this off your record. So you won't have a criminal record in the future when you get married and have a family. This won't be hanging over you.'"

That jury was looking at the boy. Looking at me. Looking at Roland. And he says, "You know what will happen to him now? You find this young man guilty, and the judge sentences him to the penitentiary, for what? Not less than two nor more than ten years, for one mistake in his life. How many of you in here made mistakes— some maybe not as grave as this, but some, maybe worse? I bleed inside today when I think about this young man's future. I'm going to ask you to do something really, really unusual. I'm going to ask you to unofficially place this young man on probation. The only way you can do that is to find him not guilty. I'm going to show you that I'm going to check on him constantly through the years as his unofficial probation officer." He got up and put the chair back and sat down, everybody in the courtroom's looking at each other. I get up. He also said, "Mr. Claiborne, this young lawyer here, does a fine job. It's not his fault what the law is. I

know in his heart he would like to see this young man put on probation, if he possibly, under the law, could." He was right.

I got up and I looked at him and I thought what in the hell am I going to say? I said, "Mr. Wiley is asking you to violate your oath. I have no other alternative but to file charges against this young man and to prosecute him. And we're here today because I had no other alternative, because it's my obligation and my responsibility under my oath to do this. Otherwise, I violate the terms of my oath. Unfortunately, as much as you'd like to, you cannot grant Mr. Wiley's request. You just can't do it." They did it anyway. Boy, they weren't out very long either. He was a cagey old bastard. He taught me a lesson, see. I learned a lesson. If any of the rest of these old lawyers start trying that stuff, immediately, I get on my feet and object. I could have stopped him in a million places. Especially when he said they'd find out this, and they would find out that, and they'd find out this from the minister and this from the teacher. But I could have stopped all of that. In the future, nobody ever got away with that. But he did.

*So you learned a good lesson that day.*

Oh, I learned a good lesson that day. I learned a lesson. Yeah. Just like I learned a good lesson in a civil case with Marion Earl. I'm in Bert's [Henderson] court with him one time. I got a supreme court case, right on point. Old Marion was arguing the case. I get up and I just walked up and I handed old Bert the *Nevada Reports* on the case. I said, "I'm not going to take up the court's time in arguing this thing. The supreme court's already decided. Here's the case." Bert read the case. He said, "That's bad law and I'm not

going to follow it.” [laughter] And gives the book back to me. Ruled in favor of old Marion and out we walked. [laughter]

*In looking at the newspaper article in the Review-Journal on April 2, 1948, the headlines: “Claiborne Urges Drastic Shakeup of Special Officers at Night Spots,” and “Deputy District Attorney Files List of Recommendations Following Shooting at Big Hat.” Does that ring a bell with you?*

Yeah. Was it a nightclub?

*Apparently there was a shooting at a nightclub called the Big Hat and the security guards were drunk.*

Well, actually what it was, the security guard was moonlighting. He was a deputy sheriff and he was moonlighting out there. There was a shooting and some customer, some guy the detectives shot and wounded, as I remember. I don’t know. I can’t remember this old deputy’s name—it was Jack something.

*B. J. Lawrence. Does that sound familiar?*

Yeah. Something like it. Oh God, it’s hard for me to remember what happened but I know that they let the thing get out of hand, before the shooting ever started. I must have filed some of what they did up there.

*In that same article, but it’s an unrelated matter, mention is made of an attorney in Las Vegas by the name of Madison Graves.*

Oh, I knew Madison Graves real well. Madison Graves was a Harvard graduate. He would quickly let everybody know that he was Harvard graduate. He was from back

east somewhere and he spoke with an eastern accent. He went into partners with Harold Morse, who I said before was probably the best trial lawyer I ever saw. They were law partners for years. Maybe thirty years. Tried several cases against Maddy, I always beat him. I cheated a lot when I tried cases against Maddy. He thought Arkansas was a wilderness and that everybody in Arkansas was a hillbilly. Maddy always thought that I was an ignorant hillbilly. He had the most magnificent vocabulary that you’ve ever seen in your life and he loved to expound it to juries. The jurors never understood it—the words—much less being able to pronounce them. He exercised profusely all of his academic ability. When I was in jury trials against him, I’d throw that country boy style that I used quite often. I found it very appealing. He never got wise. Everybody knew it, the judge knew it—that I was constantly baiting him but he never realized it. I would mispronounce a word deliberately and he would jump up from the counsel table and correct me. I’d always turn around and say, “You know, I didn’t go to Harvard like you did, Mr. Graves, and I’m very sorry that I mispronounced that word.” That bastard never got it. Never got it. I used to stop him and I’d say, “Hold it. Hold it. Mr. Graves? What does that word mean?” And he would turn around and define the word to me. You know, he never got it. For twenty years he never got it.

*Did he do criminal work or only civil work?*

Oh, they did both. They did criminal work and civil work.

*Did he hold any offices? Political offices?*

He was United States Attorney once.

*Under who?*

I don't know, it was some Republican president. I don't know who appointed him.

*Wouldn't it had to have been Eisenhower?*

Probably Eisenhower because Roosevelt was there so long, so it had to be Eisenhower. It never changed. I was beating him in federal court in the same way I was beating him in the state court, to the delight of Judge Foley.

*Did he join partnership with Harold Morse before he went into the U.S. Attorney's Office?*

Yeah. Yeah. He was in that office before and afterwards, too.

*I remember that the firm of Morse and Graves was a well-known firm here for years.*

It was. It was.

*I'm looking at an article dated May 3, 1948, and the headline says, "Ouster Charges Filed Against Hospital Board." There was apparently some problem at the hospital board for them not doing some particular duties. That was while you were in the D.A.'s office.*

There was a grand jury meeting. I don't think that's the law now, but then, the law was the grand jury had to, I believe, call a Grand Jury every four years to investigate all of the county officers to give a report. Bud Albright was the foreman of the grand jury. In the course of the investigation of the county hospital, which was run by [Dr.] Jack Cherry with an iron hand, they hired private counsel. Now, I do not remember the lawyer that they hired.

*Was it Calvin Cory?*

Yeah. Cal Cory. That's who they hired. The *Review-Journal* reporter, whoever he was, I believe it might have been Ed Churchill—he went to Albright and asked him why they hired private counsel instead of using the D.A.'s office. He said because Bob Jones got free medical treatment at the hospital and that so did I. Well, I think it was true with Bob but it sure as hell wasn't true of me. Because the only time I got anything to do with the county hospital was when I had either one or a couple of my babies born there. Hell, I paid for that and had the checks. That's what that was all about. It was kind of a nothing thing. During all of this period of time I was in the newspaper—it looked like I couldn't even say hello without them writing an article about it someday. There wasn't much happening around this community, I'll tell you that.

*Tell me a little bit about Cal Cory.*

Cal Cory, I believe, graduated from a law school in the District of Columbia while he was working for [Senator Pat] McCarran. A lot of the old lawyers in Las Vegas graduated from—what is that law school?

*Is it Georgetown or George Washington?*

Georgetown and George Washington both. A lot of the lawyers here graduated from those law schools. They go back and work for the senators and the congressmen and go to law school. There were a lot of them around at that time. Cal worked for Pat McCarran and Pat was very fond of Cal. He came back to Vegas and he began to practice law with Oscar Bryan, who is the father of the Senator [Richard Bryan]. They had a very profitable

law business for so many years. They were damn good lawyers. I guess Cal was the best lawyer of the two. I always thought so.

Oscar was a wonderful friend. When I was elected to the Assembly in the Forty-Ninth Session, he [Cory] was the assembly bill drafter. We lived in the same motel and I had a daily association with him throughout the legislature. It lasted until May, one of the longest sessions in history. For a long period of time that we associated with each other, a very kind friendship sprung up. In fact, Timothy Cory, his son, was my law clerk for two years when I was on the federal court—grand little fellow and a good lawyer.

A funny story that typifies McCarran and the powers he had. When I came in, McCarran ran the state. I mean ran it. Cliff Jones was his bagman, his spokesman in the community. Down here there was a hard-core group of McCarran supporters that, I guess, met from time to time to decide who would get what in Southern Nevada. Roscoe Thomas, Al Cahlan of the *Review-Journal*, Cliff Jones, and Kell Housells. You had to pass muster with them if you wanted anything. That's the way it was. I can't say that was bad. They made few mistakes. McCarran was, of course, one of the most powerful senators in the United States Senate. I guess, the last senator who was chairman of both the appropriations and the judiciary committees at the same time. You don't have to even guess about power under those circumstances.

There was a vacancy for regional counsel for the Union Pacific [Railroad]. The story is, and I know this is true, I know this is true. McCarran called whoever was president of the UP and said "You will appoint Cal Cory in Las Vegas as counsel." They did. They did—quickly. I guess, Cal had that retainer until the day he died. I mean it was a good one.

*Did you have any direct dealings with Senator McCarran?*

I wound up a very good friend of the senator's. Starting out with the Cliff Helms trial. They had been working on Cliff Helms' appeal, I believe, at this law office in Reno. He retained his law office with McCarran & Wedge.

*Even though he was a U.S. Senator, he still had a law office?*

Yes, in Reno—Virgil Wedge, McCarran & Wedge. Virgil Wedge later on became a partner in Woodburn, Wedge. At that time the Woodburn firm was the most powerful law firm in Nevada. I don't know at what stage Virgil went into the Woodburn firm. Or whether McCarran was in, I'm not sure. But I know he was a partner of McCarran's. I know that Virgil Wedge took Cliff Helms' appeal. I was out of the D.A.'s office. McCarran called me. He asked Roger Foley for an Affidavit. Roger's office. He may have been in the D.A.'s office, but he had nothing to do with it. Later on he was elected D.A. McCarran wanted an Affidavit from Roger as the D.A., and from me, the guy who tried the case. I told him, I said, "I first told Virgil Wedge I wouldn't do it." Then the senator called me. I also told the senator. I said, "No, I will not do that."

*What did they want you to say in the affidavit?*

Something to help Cliff Helms. I wouldn't do it. I ran into Roger Foley. He said he got a call. Same request. He wouldn't do it. I don't know whether this had anything to do with it. You can be skeptical, but Roger and I talked about it many times before he died. He and I thought that within a matter of two or three months after we declined, both

of us were audited by the Internal Revenue [Service]. Neither one of us had a pot to piss in or a window to throw it out of. If your income is practically nil, so is your tax. We both were in the same boat. It was right after I had started and right after he became the D.A. It was interesting—Roger Foley was an entirely different personality than me, entirely different. The practice of law to me was fun. I couldn't wait to get into the courtroom. I just couldn't wait to get into the courtroom. I took a lot of bum cases just to get into the courtroom. Truthfully, solicited some cases. I'd read something in the newspaper where the guy didn't have counsel or something, and I'd volunteer. I really didn't solicit it. I never went and solicited a case where the guy had a lawyer. I'd go to the jail and I'd say, "Hey, you want me?" Sure he wanted me, every day another article in the paper. I couldn't go to the bathroom without someone . . .

*These were before the days of appointed counsel too, wasn't it?*

Oh yeah. Oh yeah. You see there was no such thing in those days. I must have tried, *pro bono*, fifty criminal cases in my life. I'm talking about trial. *Pro bono*. I know in federal court, I had five in one year. I went to Judge Foley and I said, "Hey, I've got a private practice to run, Judge. You know me, I love to be over here but this is burdensome." He said, "I was impressed with this defendant. This defendant just damn well may be innocent. I made up my mind that I'm going to get him the best lawyer in America and that's you." I looked at him and I said, "Boy, are you the biggest bull shitter in the State of Nevada." I said, "What the hell can a guy say to that? You know I can't say 'well of course I'm not.' I'll take the case."

*This is Judge Foley Sr.?*

Yes. Grandest gentleman you ever saw, a terrific judge. Boy, he was a hard-knocker and a lot of lawyers didn't like him. But the only lawyers that didn't like him was the lawyers who came into his court unprepared. You better be prepared when you went into Roger Foley's court. A lot of lawyers thought he picked on them. He did pick on them if the guy came to court and he didn't know anything about his case, and was fumbling around in his file, and talking to somebody to figure out what the witness had told in an interview. Boy, you're going out with your tail between your legs or something. They all said how tough he was. I never found him tough, I found him good. I found him damn good, and knowledgeable. He was quick to see where a lawyer was going with his case. He believed in letting you try your case. He, never one single time, embarrassed me.

*Other than this one occasion, did you ever have any other dealings with Virgil Wedge?*

No. Never did. I didn't have any dealings with Virgil except, I remember, I got a phone call from Virgil, asking me if I'd do it and I said no. He didn't argue with me or anything. Then, I got a call from McCarran. But I never had any dealings with Virgil. But we became friends. I believe it was during the 1949 session of the legislature we became friends. I think he maybe had been a lobbyist. I know Bill Woodburn was over there all the time and I think at that time he was in the law firm of...

*Gordon Rice?*

Gordon Rice! Gordon Rice was a partner with McCarran. It was McCarran, Wedge & Rice. Gordon Rice and I became very good friends. I used to go have lunch a lot



with Virgil and we became friends also. But Gordon Rice was a good friend of mine.

*After this initial situation with McCarran, you said you later became friends with McCarran. How did that turn around?*

I don't know when it really started. I was in Reno and I know Gordon Rice took me to dinner one night. The senator was a pretty damn good drinker in those days. I was known to take a drink or two every once in a while. We hit it off then. We spent a long period of time that night, and morning, drinking together and talking about a million things. Somehow or another during the course of that, since we had so much in common, we became very good friends. He hated C. D. Baker.

*Who was the Mayor in Las Vegas?*

Later on he was mayor. C. D. Baker was a state senator from down here. I had an idea of animosity had occurred over politics, I'm not sure McCarran ever told me. But I get a call one day. McCarran says, "I hear that you and Baker were tight in the legislature." I said, "Yeah." As things turned out, I was the floor man for the Democratic Party in the assembly and I was chairman of the judiciary committee. Baker was a senator from down here. He was a very difficult man to talk to. Self-opinionated. He was an engineer by profession, completely devoid of personality. He was just a grouchy, grumpy individual. I didn't like him the first time I saw him. He had a lot of pet bills. One was the State Engineering Commission, which came about in the Forty-Ninth session of the legislature. That was his baby.

I'd been a former cop. I had a lot of pet bills, but I had one pet bill that I wanted—

civil service for the police and fireman. I stood alone in the delegation, except I had the support of Harley Harmon. We voted together nearly all the time on nearly every bill. Roomed together in the legislature. C. D. was against the civil service. We fought bitterly over that. I knew it wouldn't pass the Senate without C. D.'s help, and he wouldn't give it to me. [Jame] "Sailor" Ryan was an assemblyman from down here and he was a strong union man. They say he was a secretary or whatever you called him, but he had the laborer's union. I did a lot of trading with Sailor to get his support for it, and I got it passed out of the assembly.

The only way that I got it past the senate was I locked up C. D.'s pet bill in my drawer. I saw it coming and I jumped up and moved it into judiciary as soon as they did the first roll call. Locked it in the drawer of my desk. Walked over to the senate and told C. D., "You're goddamned bill is locked in my desk and that's where it'll be in July." I walked away. That's how I got his vote. He finally came over to me and he said, "If you hold a hearing on that bill, Harry, and get it on the floor I'll vote for your civil service bill." I said, "That ain't enough. The very minute, C. D., it passes the senate, and it's on its way to the governor's office, I'll put your bill on for the third reading and final passage under the constitution. We'll vote on it right there and we'll pass it right out." He walked over one day and said, "We just passed the civil service bill." I said, "Three days from now." He said, "That wasn't what you said." I said, "What did I say? The minute I knew it was on its way. I don't want it still hanging over there in the senate clerk's office." I wanted to be sure. He said, "You don't trust anybody do you?" I said, "Nope, I sure don't." That's the way I got it passed.

You asked me a question about McCarran. So, he said, "You know, I understand you and



C. D. didn't get along." Well, it wasn't hard for me to figure out where that came from. It come from . . . He said, "I understand Baker is really scared of you." I said, "I don't know about that but I know that he'd rather not deal with me." He said, "Well, why don't you do me a favor." He said, "He's going to announce for governor." I said, "I heard that." He said, "The minute that he does, and it looks like for sure he is, I want you to file for governor." I said, "Senator, I can't win. You know goddamned well I can't win the governor's race." He said, "I'm not so sure of that. I'm not so sure of that." I said, "Well, I am. I'm nobody's idiot." I don't know who it was talking about running for governor at that time. "God!" I said, "I don't know if I'll have the full support of your people." He said, "I don't want you to do that. I don't want you to, really, really." He said, "I don't think you'll have to, but when the time gets right, and we're absolutely certain that he's going to run, we want you to come out and say you're going to run for governor, before filing time. That won't get you in there and make you worried that you'll have to pull out and be embarrassed. You'll get," he always used the words, "lots of ink." I said, "Well, I don't think I need that." I didn't need that at that time. I'd gotten the wrinkles out of my belly by then.

Sure enough, one day I get a call from him. Then I saw one day in the paper, two days before, where it was certain that he was going to run. I get a call from McCarran and he says, "OK. He's going to do it. Go down and see Al Cahlan." I went down to see Al Cahlan. I didn't talk to Al Cahlan for two minutes and the next day there was an article in the paper that said, "Claiborne Announces for Governor." God Almighty. Well, C. D. didn't run. He didn't run. He never filed. McCarran knew exactly what he was doing. He knew a helluva lot more than I knew. Before that I'm trying to get a piece of land where Primm has

the . . . Whiskey Pete's is across the street from the Buffalo something. You know all that, that over there. It was three acres some clients of mine wanted, some guys from California. They wanted to put in a restaurant. Then they did, a little restaurant in this station. They were down, I believe, from Barstow. I had a helluva time getting it. I couldn't get it.

So, I'm back in Washington on something, and I don't even recall what that was, and I went in to see Pat and he took me down to the Senate dining room. He said, "You gotta go down and have the bean soup." I didn't find out until later that it wasn't traditional. I thought that if you went to the Senate restaurant, you had to eat bean soup. So I did. So did Pat. While we were there, he asked me what I was doing back in Washington and I told him. In the course of the conversation I thought, holy shit, he can help me with that land deal. I said, "I want a favor." He said, "You got it." He didn't even find out what it was. I told him. He said, "OK."

We went back to the office and he picked up the phone. He called somebody in the Bureau of Land Management or the Interior Department. The conversation went something like this, "You people have been jacking Claiborne around long enough. I'm getting very angry about it. He's in my office right now and I'm sending him over there and, by God, the buck stops with you." That's what he said. I went over to the Department of Interior. I don't know who I talked to, I don't remember the guys, but they jumped over their asses. A week later I get a patent for three acres down there. I don't know what they built and I don't know what the hell ever happened. Whether they sold it or what.

*He had some power didn't he?*

Oh, did he have power.

*He knew how to use it.*

He knew how to use it. There's all kind of stories going around about Pat McCarran. You never know whether they're all true or not. Just like me, there's more stories going around about me than you can shake a stick at. Some of them are kind of based on fact but most of them are not. You really never know with stories. One guy hears a story and he embellishes it a little and passes it on.

My God, it's like a story that was floating around for years. I'm in a bar with a guy and a guy knocked a woman off of a barstool. I jumped up from where I was sitting and went over to the guy and he said, "Who in the hell are you." I hit him and knocked him out and put my professional card on his chest and told the bartender, "Tell the son of a bitch who I am when he comes to." It never happened. I bet I've heard that story 200 times through the years. It never happened. Never happened.

But the truth of the matter was, what happened was, a guy come in there and was using a lot of vulgar language. I was sitting having a drink, and there was John Cope the lawyer. The old Navajo Bar. He was using a lot of vulgar language towards a cocktail waitress that was in there. I said something to him. An argument came up and we did go out in the alley and fight it out, but, none of that bullshit about a professional card.

*The headline in the Review-Journal on June 1, 1948, says that you were resigning your post as D.A. and they talk about four cases. One of them was the Helms case, we've talked about that. The Teeter case, we've talked about that. The other two cases they talk about. One is Fitch and the other Hollis. Do you remember the Fitch case?*

Yeah. Fitch was a stand-in in the movies for Gregory Peck. His wife met a young man in Hollywood, fell in love with him, and she came with him to Nevada, to Las Vegas, for a divorce. She was going to divorce Fitch. They were living together in an apartment, I believe, it was in Henderson. Very quietly. I think they felt they were getting away. He found out where she was and he went to the apartment, shot and killed her boyfriend. He had very big connections and people knew him. They had a lot of money and they first hired Ham & Taylor—Art Ham and Ryland Taylor. They went through the preliminary hearing with him and for some strange reason he fired them. Harold Morse was hired. We went to trial and he was convicted.

I had an investigator working for me. He had the number one license in Nevada. Was a guy by the name of Bud Bodell. Bud Bodell had been a deputy sheriff in Ely, Nevada. He came down to Las Vegas and I guess he worked in the sheriff's office for a while and then eventually became a private detective, and a good one. Maybe the best one I ever saw, outside of Tom Dillard. Anyway, we convicted him. It wasn't easy. Bud got the idea. He had two daughters; they were little kids. I'm not sure it was that case. I'm pretty sure.

But anyway, I fell upon the story that happened in that case. Oh man, there was a violent fight for the gun. There was no question about that. There were bullet holes all over the walls and I think a number of shots went into the walls of the room. I think that the guy that was killed, a guy named Weir. He was probably a pretty strong guy. We were pretty sure that most of the shots that were fired were fired after the fatal one. He, after he was shot the first time, rushed him and they fought with the gun. A very violent struggle till he finally just died. That was Harold's

[Morse] defense, that there was fight for the gun. He just went there because he wanted to talk to his wife, and the guy wouldn't let him talk to her. That the guy attacked him and he pulled the gun to protect himself. Somewhere in the struggle the gun went off. It was just an accident.

Harold was tough to beat. I remember, that was the case when Harold had the pistol in his hand and then he got down on the floor and he was reenacting the struggle. I know we both got down on the floor and were reenacting the struggle. I remember that. To the delight of the jury, that was a good day for the jury. Good day for the jury or the spectators or anybody else. I believe it was one of the Leavitts that was sitting in the back row of the jury box. The Leavitts, I believe, from over in Bunkerville. The jury seats were on cast iron spindles about six inches in diameter, were made of wood and had springs on the inside right under the arms of the chairs. They would tilt back and forth. The juror could lean back. They were very uncomfortable chairs.

Harold had the gun in his hand and he was talking with the jury. He had been pulling the trigger each time that the gun was shot while he was in this position and was in that position. He pulled the trigger for the third shot, for the fourth shot. Old man Leavitt was leaning way back in the jury box. He said, when such and such a shot was fired, and he pulled the trigger, the spindle broke, the cast iron thing broke and Leavitt fell into the window, backwards into the window. Harold thought he shot him. He said to Graham Butterfield, who was a clerk of the court, "My God, Graham, I thought the gun was empty." He dropped the gun back on the clerk's desk. I knew all the time it wasn't the gun that had fired because I knew we had the gun and knew it wasn't loaded. We introduced the damn

gun, so I knew it was empty. Harold thought he shot the juror. Especially when they got him out of the jury seat and out of the window. He cut his head on the glass. He was bleeding rather profusely. As I said, it was a wonderful day for the jury.

*Not a wonderful day for justice.*

No. There were a lot of those days where it was wonderful for the jury, but justice took a beating.

*And then the other one that was mentioned was Hollis? Do you remember that one?*

"Diamond Jack Hollis." Herb Jones helped me in that case. Tried that case with me. Herb Jones. It wasn't his first case. We had some bad check case together before that; delightful guy to work with. Had a lot of fun with Herb. Diamond Jack was a black guy. He killed a fellow that was a porter at the Last Frontier Hotel by the name of Sonny Leon Jones. Diamond Jack was called Diamond Jack because he had four diamonds in four of his front teeth—upper front teeth, right in the middle of his teeth. He was, I believe, the darkest black guy I ever saw; he was so dark, he was actually blue. When he opened his mouth, those teeth just sparkled.

They got into an argument in a bar over on the west side and there were a number of witnesses there. The murder took place outside. Diamond Jack had invited Sonny Leon Jones outside to finish the argument. Diamond Jack says I'm going to, I don't know what phrase he used, but it was a threatening phrase. I'm going to cut you into so many pieces, something else, it was very funny at the time, I don't know what it was. And they go outside and he killed him.

In the course of the trial, there was a guy named Robert Clipper. He heard the argument and the threat to kill him. Robert Clipper was on, we called him, and I said, "Can you state your full name," and he did. Everybody in there had a nickname. Nobody knew anybody's real name. All the witnesses had a nickname. We had gone through the business of trying to identify them. This guy was this guy. You know. I knew the other witnesses were going to refer to him as Blind Sal. I said, "Do you have a nickname?" He said, "Yes sir, I do." I said, "What's your nickname?" He said, "Blind Sal." I called the next witness, I said, "You were there during this argument between Mr. Jones and the defendant?" He said, "You mean Max? The argument between Sonny Leon and Diamond Jack?" I said, "Yes." I said, "Do you know that Sonny Leon was actually Sonny Leon Jones?" He said, "I knows him as Sonny Leon."

This goes on during the trial, "And who else was there?" He said, "Well, 'Turkey' was there." "Will you tell us who 'Turkey' is?" "I don't knows, I knows her just as 'Turkey'." Finally, in the course of the trial, we called 'Turkey' and 'Turkey' walks in. I have to be very careful of these descriptions, because somebody is going to be listening to this besides me and you, I presume. Well, anyway, 'Turkey' comes in and she testifies she was there, and she heard the threats, that Diamond Jack went outside, and finally Sonny Leon Jones left and he went outside. Then she heard later that he had been stabbed in the back. When she left, the police were there investigating it.

So 'Turkey' was the last witness that was there at the bar and heard the threat and the argument. She come walking into the courtroom and she was about 5' 8" and she was, I would say, kind of deformed because she had toothpick legs, a huge derriere, it looked

more like a camels hump than a derriere, and huge breasts. So I took her through the paces. She was there and testified. I said, "Who else was there besides you?" Corroborating their testimony. She said, "Sonny was there, Flying South was there, Diamond Jack was there, what happened." She was a really good one. I said, "Your witness." After cross-examination, I took her back in redirect after a couple of questions. I said, "That's all, thank you." I started back to the counsel table and I said, "Wait a minute." I turned around. I said, "I'm curious. Why do they call you 'Turkey'?" She said, "Because I is all breast." The courtroom exploded. Herb Jones and I, I told him not long ago, every time we meet we talk about 'Turkey'. We don't see each other very often. One day I said to him, "We worked together in the D.A.'s office, tried cases together. For ten years we were like brothers and good friends for a lifetime and the only thing we remember about our association is 'Turkey'. It just shows you what old age will do to ya."

*Speaking of Herb Jones, you started telling me about the time that Herb Jones and you were in the district attorney's office and he took on a witness who was blind. Tell me that story.*

I remember the preliminary hearing, two guys in jail in Mesquite, Nevada. I can't remember the old gentleman. He was blind. He was the father of the guy who owned the gasoline station. He would come down in the cool of the afternoons and sit in a chair out by the side of the station. It was something to do. These two guys escaped jailed and went across to the station and got a Coca-Cola, and talked to the old man. They were local boys; he knew them. The deputy sheriff up there arrested them for jailbreak. They came in and we filed on them. I'm over in the preliminary hearing and Frank McNamee, the Judge,

called Harvey McDonald who was the J.P., and said, "Is Claiborne over there?" He said, "Yeah." "Tell him I want to see him."

So I called the D.A.'s office right quick, and I said, "Herb, would you come over here?" I had just called this old gentleman; he had just taken the witness stand. Herb came over. I met him halfway between the courthouse and the J.P.'s office— it was in the courtyard in a different building. I met him halfway. In about five minutes, I told him, that the case would be all wrapped up. He was the last witness and that they were not going to put on any defense. They would be bound over. I said, "This is the last witness that we had. He talked to the guys in the station." I forgot to tell him the old man was blind. I went on up to Frank's office. Frank had one question on something that he had to do right then. I answered the question and left. Now, go back to the justice court. I walked in and Herb had just gotten up out of the chair. I sat down in the front row. "Do you live in Mesquite, Nevada?" He said, "Yeah." "Were you present at such and such service station and, gasoline station?" He said, "Yeah."

So he said, "Do you know so-and-so and so-and-so?" He said, "Yes." "Well, how long have you known him?" He said, "All our lives." He said, "Were you at such and such gasoline station on this night?" He said, "Yeah." "Well, did you see the defendants that night?" He said, "No." "You didn't see the defendants there that night?" He said, "No." Herb went back and he sat down at the counsel's table and looked through his report. He said, "Well, didn't you say to whoever the deputy sheriff was, didn't you tell him that you saw the defendants there that night?" He said, "No." "Now are you denying that you told him that?" He said, "Yes." Herb threw his hands up like this and looked at the Judge. I leaned over and I said, "Come here, Herb." He came over and I said, "He's blind, Herb. Ask him

if he talked to them and he recognizes their voices. That's how he identified them." He was about ready to have this old man put in jail for false reporting.

There was a contested divorce case later when I really went after him. We were good friends, but I really went after him. Chewing on him good in that case. After it was over he walked up to me and he said, "You're the meanest goddamned lawyer in the state of Nevada." I said, "Well, I may be Herb, but I never put a blind man on the witness stand and asked him if he saw two people." Oh, Herb. Of course, he had no idea the man was blind. I didn't tell him none of the circumstances and he's already on the stand when I asked him to take it over.

*How long was Herb in the D.A.'s office?*

He was there a number of years. I think he was there when Bob Jones went out of office. So he was there about four years. Then he went in with a firm of Jones, Weiner & Jones. And I guess he's been there ever since.





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## NEVADA STATE ASSEMBLY, 1949

*What was your reason for leaving the D.A.'s office?*

To run for the assembly.

*That's why you left?*

Yes. At that time, if you were a public officer, you could not run for a political office during that term. And, that applied to appointees.

*Here's an article on August 19, 1948. Do you recognize that? Does that look like somebody you would vote for? [It is his political advertisement as candidate for assembly.]*

I always thought I was better looking than that.

*That was radio then.*

Yeah. I know for one of those speeches George Franklin sued me—for slander.

He was the editor of the North Las Vegas newspaper.

*George Franklin was?*

No. George had a client, a guy named Dick King who wrote one of these yellow sheets, throwaway papers. He was editor of it. He wrote some column about me. I probably had had a few drinks that night on my way out to the radio station. I called him a Communist. He went to George. George didn't like me anyway, and he sued me.

*For calling him a Communist? Was running for political office something you had always wanted to do, or was it something that you got interested in once you came to Nevada?*

Yeah, I was very, very interested in politics. Always was. I had the fever; it was in my blood. I, probably, in those days, had an eye on the governor's office eventually, if things would have broken right. But I had had

enough of prosecuting. There was a surge of people into Las Vegas immediately after the war and crime began to pick up. There were a lot of cases and we were under-manned as hell. Starvation wages. I decided to run for the assembly, and then go into private practice.

*Did you go into private practice with someone or by yourself?*

No, independent.

*Independent. Who did you run against for the assembly? Do you know?*

I led the ticket. Surprisingly. To this day, I don't understand what people saw in me. I seemed to be very popular everywhere ever I went. Hopefully, I don't sound like I'm conceited, because I'm not. I don't mean it that way. What the hell, I'd only been in the state permanently, as a resident, since 1945, and ran for the assembly. Guys who lived here a lifetime, like Harley Harmon and Jack Higgins and George Franklin—local boys—all of those guys were in the race. They were local people. Harley was raised here. I led the ticket.

*Was the election in November?*

Yeah.

*Didn't you start a private practice in the first of June?*

Yeah, yeah.

*So, then, your private practice was running while running for office?*

I think the filing date was probably maybe sometime in the middle of June. I resigned the first of June and went into private

practice. I was in private practice all during the campaign.

*Where was your first office?*

Over the old Las Vegas Club. It was owned by Kell Housells and Benny Binion.

*Let's talk about while you were in the assembly. I see one of the newspaper articles indicates, and this is November 28, 1948, where you were running for the speaker of the assembly.*

Well, actually, I never did. I didn't run for it. What happened was that I got a call from one of the assemblymen, he was elected from Reno, and he said . . .

*Was that Peter Burke?*

No. Peter Burke had been a speaker for five or six terms and he was the speaker for this term. Somehow, it got started among some of these guys who had won that they wanted to oust Pete. A group of them got together and said, "Would you take it?" I said, "No. I don't want it." I never ran for the post. I never wanted it for the simple reason I didn't know how to function in the Legislature. I know that I have a reputation of having a lot of confidence but I didn't have it in that respect. Frankly, I didn't think I would qualify for it; maybe in the next term, fine. I did one term. I wanted to see what takes place in the legislature, how it's conducted. Then I would be qualified to do it. So I never was a candidate. A lot of guys were promoting me, but I finally just told them, quit this. I don't want it. I know Jack Higgins just kept on. He'd been in the assembly for eight or ten years, probably five terms. And he just kept on. I don't know, I finally just made a trip to see him personally and said, "Cut it out."

*You mentioned that you were the chairman of the judiciary committee?*

That's correct.

*You told me about one of the bills for the firemen and the policemen. What were the issues of the day?*

I'm going to tell you right now. I said this a thousand times, if I said it once, I don't think that I ever contributed a damn thing in my whole life, really worthwhile to even mention, save and except one thing. I am responsible and I take credit for that, nobody knows it and nobody mentions it, and I don't care. It's something of great pride to me. But I sponsored out of the judiciary committee a referendum putting on the ballot probation laws. Not only that. I used my own money and campaigned the whole summer, formed committees all over the state and worked like a dog to get it passed. Nevada was a very, very conservative state at that time. The probation law passed. The governor asked me who we should appoint as the first probation officer, and I asked him to appoint my investigator from when I was in the D.A.'s office, Ted Cupid. He became the first probation officer in Nevada. He and I set up the probation office and made numerous trips to Sacramento to talk to all of the probation departments in California. I am proud of that.

*Is this something that you became interested in once you became an assemblyman, or was it something you were interested in while you were in the D.A.'s office?*

No, it was something that I saw in the D.A.'s office. I guess maybe the case with Roland Wiley really opened my eyes, I'm not sure of that. I was astounded. I didn't know when I

got into the D.A.'s office that we didn't have a probation law in Nevada. I thought that we had a law that the judges could suspend sentencing. But we didn't. I talked to Frank McNamee about it a lot when I was in the D.A.'s office. When I was elected, before I even went to the assembly, I talked to Frank numerous times about it. He urged me to do it. I know he was very instrumental in getting it passed by word of mouth. He was a good man.

*This was something that was passed by the people on the election ballot, rather than being passed through the legislature?*

That's correct. You would never have got it passed through the assembly—never through the assembly. I don't care what I had done as chairman of the judiciary committee I could never have swung it.

*Did you serve more than one term?*

One term.

*When you got this on the ballot, that was after you were out of office?*

It was on the ballot two years later.

*How many states did not have probation?*

I don't know.

*Did you think Nevada was one of the few?*

No, I think it was a lot of states. I would say the majority of the states had a probation or suspended sentence law. I'm sure of that at that time. I spoke at a lot of union meetings during that period of time, a lot of them, and hundreds and hundreds of other meetings, wherever I could get five people together to

listen to me. I talked to the Teamsters Union. Bill Carter was the head of it. After it was over, Bill Carter said to me, "You don't have to worry about my people. But, what can I do beyond my people." I guess he was responsible for bringing in every labor organization in this state. Truly, that's what passed it. It wasn't what I did, but it's truly what happened. He got every organized labor member in the state supporting it. But it passed.

*Who was opposing it?*

Oh, there was never any actual opposition. Out front. But that was the atmosphere in Nevada. Conservative. You can't believe how conservative Nevada has always been. You'd think it is a liberal state. It has never been. It has never been.

*Was it a close ballot vote?*

I don't remember the vote. All I remember is that it passed by a comfortable margin.

*What were the issues of the day when you went up to the legislature in 1949?*

Well, the sales tax. Oh my God. Oh my God. I was really brutalized in a lot of areas over the sales tax bill. I became close to a lot of educated people before I ever hit the assembly. Harley Harman and I used to talk once a week, between the November election and January, about a lot of things. Principally, we began to talk about the needs of the schools. You got to remember that in 1948, people began to pour into Las Vegas. Not to the extent that they did later on, but that was the opening shot. I could foresee that we were not going to have money enough, really, for the expansion of the school system that was coming in Nevada. I can't take the credit for that great vision

because it wasn't mine. But there was K. O. Knudsen. He used to talk to me all the time and tell me what his idea was. There was going to be a problem in education in this county if something wasn't done now, to prepare for it. I went to the Legislature with the idea, with Harley, about the sales tax.

*There was no sales tax up until that time?*

No. We tried. We got five votes once. I was the floor man for the Democratic Party and I pulled every shenanigan that you could pull to get it passed in the assembly. The state was split wide open. Nevada advertised no sales tax, no income tax. I had an idea that probably fifty-five percent of the people in this state opposed it. It was a loser. But, I was crazy, absolutely insane. I figured that I could win anything. I figured I could find a way to win anything. I was a nutcase. I couldn't get it on. Goddamn, did I try; it was worth the battle, and I tell you in two years, in four years at least, boy we were in trouble.

*As a state?*

The schools. We were in trouble and the sales tax bill passed. People voted it in.

*Is that how it got passed?*

Yeah. The people voted it in. See, we had a constitutional amendment.

*I'm looking at some newspaper articles—March 2, 1949, March 3, 1949, March 10, 1949, and a lot of them had to do with an issue of tabling the vote on sales tax. That was a procedural maneuver, obviously. Tell me a little about that.*

All right. [laughing] I don't remember it exactly, truthfully—all the parliamentary

maneuvers that we used. I know it was tabled, Sailor Ryan moved to table it, and it passed by one vote. I remember that. One day I counted the people who were present. Now, I believe I'm correct in this. I think I did it twice. I thought, Goddamn. I got them. I jumped up and moved to remove it from the table and put it on the board. Because I had numerical majority there that day, I might keep it. I think but two people. It worked. Then it went back on the table, I think. I know it did. I did the same thing, I know I did it twice and it didn't work the second time.

*I'm looking at this March 3, 1949, article and it talks about a revenue bill asking for graduated tax on the privilege of engaging in business. Then it says that that was the answer to the sales tax.*

Right at the end of the session, there was an assemblyman, Jim Johnson from up in White Pine County. He came to me and said, "I'm working on something. It might be the answer. We're not going to get the sales tax. In fact, my efforts with sales tax were going to defeat me for re-election. I know that." There were a lot of good men for it in the assembly and a lot of them got defeated because of their stand on the sales tax. The labor unions were against it. You could not make people understand that eventually the number one industry in this whole state was going to be tourism. You couldn't make them understand that the burden of the sales tax is going to be borne mostly by tourists and not local people. When you exempted all of the items that we had exempted in the original act, it wasn't going to hurt the average wage earner. Most of the staples of livelihood were exempt. But, the shock of tax—what everybody had believed in. Killers always arise in visionary legislation; we haven't reached that crisis yet, let's wait. Let's do it only when we need it. We don't need it

now—hard to argue with that. Especially when you're a very conservative individual. Nevada's never been a place that has supported any visionary projects.

Of course, we didn't have an Oscar Goodman [Las Vegas Mayor] here in those days. He went over to the law library. This fellow had one arm. He was a great supporter of labor. He thought labor was wrong. He was asking always, whose going to educate the children down the road. Originally, all the proceeds from the sales tax were going to go into the school funds. Nobody, nobody could see Las Vegas as it is now. We knew it would grow. I could see it maybe stopping where the New Frontier [Hotel and Casino] is now. A couple more hotels there, or three. I could see Las Vegas, maybe someday, would be three or four hundred thousand people. I never expected that there would be one million people in Las Vegas. So Jim's [Johnson] tax was a . . . tax. I said I think that's a hell of an idea. You got to get money from somewhere.

*This money was geared towards education?*

Yeah. So I helped write him this bill. I thought he was going to introduce it as his bill. But he introduced it as a joint bill, Johnson and Claiborne. I came home on the weekends. I wasn't here an hour that I didn't start getting telephone calls. The first one was from Al Cahlan, who didn't ask me to come down to the paper [Review-Journal]. Ordered me to come down. He said, "Have you lost your goddamn mind? You are going to tax business, what the hell is the matter with you." I took a beating on that bill. Of course, my name was on it. It got nowhere—it never got out of committee. There are some articles and some editorials in that damn paper that were pretty strong. One of them, I recall, said that the gamblers in Nevada had gotten to me. That was my answer to keep

from raising the gambling tax. I don't recall a single gambler in the whole thing. That's what it looked like. Looking for motivation, Jesus Christ, I said, there's plenty of truthful motivation there. Day after day I'm fighting to get a sales tax passed and I can't, and now I come up with a new one. You think, well, Jesus, he's still trying something.

*Did Johnson get a lot of heat as well?*

He got beaten.

*[Vail] Pittman was the governor at that time?*

Yeah.

*What was his position on the sales tax?*

He took no position. If he had taken a position, we would have passed it, if he had taken a favorable position.

*Was he a one-term governor?*

No, he was two terms.

*Was he a pretty popular governor?*

Yeah. He was a good governor. He was a good man. I don't think he had an ulterior motive in his whole body.

*Now, was he the one that was the newspaperman from Ely?*

Yes. Right.

*Did he hold political office beyond governor?*

Yeah, he was a lieutenant governor before he was governor.

*He was the brother of Key Pittman [United States senator from Nevada]?*

Yeah.

*Did you know Key Pittman at all?*

No. No.

*Then there is an article on March 14, 1949, with a headline, "Charge Grant of Dodging the Solon's Subpoena." It says that Dr. John W. Grant, secretary of the state chiropractic board was dodging subpoenas requiring him to appear before one of the hearings. The allegation was that there was a diploma mill for chiropractors. Tell me a little about that.*

He was the whole board. That son of a bitch was selling chiropractic licenses right and left. I got the legislature to give me authority to hold investigative hearings. I picked him apart. I held the hearings and I took them apart and rewrote the chiropractic acts in Nevada, and got it passed. goddamn bull in a china shop, looking back on it.

*Pay twenty-five dollars to get your license?*

They were getting more than that. I'll tell you that.

*Fourteen hundred examinations were being given by the state for licenses over the past ten years and twenty-five dollars was the cost to do that. But there was no accounting of any of the money?*

None, none whatsoever.



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## LAS VEGAS LIFE AND LAW PRACTICE

*I see on November 11, 1949, that you were riding on a sheriff-mounted posse and your horse was obviously a little skittish and started acting up in the parade. This report is a newsmaker.*

Good God, I never knew, that in a million years, that this was in the paper, but it's damn true. You know. Jesus. I told you a while ago that there must have been a lot of dull days. I guess Claiborne was a, what do they call it in the newspaper business, a fill-in? We need a fill-in. OK, write something about Claiborne.

Anyway, that is true. I never in my lifetime never saw that article, but it's true. I had the prettiest palomino you ever saw in your life. I was up at the Binion ranch and I'm riding with the foreman up there and we come across this herd of horses. I found this buckskin that was a little darker than an ordinary buckskin and a little lighter than the ordinary palomino. I think he was one of the prettiest horses I ever owned, and I owned a lot of horses in my life. I told the foreman, I said, "Cut that horse out.

I want that horse." Benny wasn't there. I called him that night from the ranch and I said I saw a horse today and I asked him to trade him out. I said, "I want to buy him. What do you want for him, because when I leave here I want to make arrangements to bring him back?" He said, "The horse is yours. I'm giving you the horse; the horse is yours. You don't have to pay for the horse. I'm happy that you like the horse, he's yours." He said, "Let me speak to whoever was the foreman." The foreman was some guy that had murdered a bunch of Indians back in Oklahoma.

Anyway, he talked to him and the guy says, "Benny told me to haul the horse down to you." I said, "OK." Well the horse arrived. I had broken a lot of horses around here for people and I was good at it. I was easy with horses. I had a knack of breaking them without scaring them half to death. Very few have ever bucked with me. I looked forward to the horse arriving so I could start breaking him. Wow, this son of a bitch almost killed me three or four times. I could ride. I couldn't



Harry Claiborne, Sheriff's Posse, with his horse Tahoe.  
Rancho Road, Las Vegas, late 1950s.

break the horse in my whole lifetime. He was the meanest horse I have ever owned—I ever saw.

I hired Jack White who for years he claimed to me that he was the best horse breaker around. Well, old Dixie broke his collarbone. He lasted fifteen minutes after he tried to ride her by throwing him about forty feet into a fence post. Now we had a guy who lived up close to Mt. Charleston, named Tommy Young. Tommy Young claimed to be pretty good with horses. I hired him to break the horse and the damn horse nearly killed him. So I had one of the prettiest horses in the valley, standing in my lot, eating my food, drinking my water and he wasn't worth a damn to me.

Well, across the street from the courthouse, that is now a parking building, in those days, the Elks Club was located there—the Elks building. The riders used to come in from every organized riders union in the country. Poses from all over the country—Santa Barbara, Phoenix, Tuscon; God knows, a hundred other places. The Helldorado parade was the thing of the year in Las Vegas. All of the posse members from various places rode in parades all over the country, as well as we did. We all knew each other. We knew each other by first name. So it was customary when they came into town, all of the riders would gather at the Elks Club. We'd all get drunk.

On the day of the parade, I was over at the Elks Club all morning. I ran out, jumped in my car, raced home, put my posse suit on, and ran down to the barn. I had a guy who worked for me. I had him wash my horse, saddle him, and tie him in the stall. I rushed out to the barn, untied the reins, led him out, and he began to limp. I thought, hell, I can't ride him. I thought, well, I had about eight head of horses over there and I went out to the corral. I'm looking around and I am full

of that firewater. I saw this beautiful damn horse standing there looking at me. I walked straight out, bridled him, threw a saddle on him, loaded him in the trailer, hauled him to the spot where we were going to meet for the thing. I'm standing there holding him.

Glen Jones, the sheriff, walked up to me and he said, "Well Harry, here you carry the flag." I said, "Yeah." I'm going to carry a flag on a horse I had that nobody's been able to ride. So I climbed on ole Dixie and they brought the flag holder. I climbed onto my saddle, stuck the American flag in it. I have a picture that some guy took of me. The wind was blowing that day and that flag was hitting old Dixie in the head and the neck and me in the head. For the length of that parade, this horse was so scared that he was walking like he was walking on eggs—down the whole parade route. Pretty soon I got full of confidence, and I said, this is nothing. This is really something. I've ridden this damn thing for the first time and longer than anybody. It's a piece of cake. He's doing nothing, and the flag's hitting him. Where the Plaza Hotel is was the Union Pacific Railroad Station. There was an elm tree—oh, about the size of that tree across the street over there. At that point we were just standing. I rode up, I handed the flag off to Jimmy Skyler. He took the flag and Dixie threw me forty feet up into the top of that Goddamn tree. I wound up with a broken arm and separated shoulder. To my knowledge nobody rode him again.

*How long did you keep the horse?*

I kept him about six months. The funny thing, I sold him to guy who furnished rodeo stock for the rodeos. They were going to make a bucking horse out of him, but they could never get him out of the shoot. He told me that later on. Never could get that horse out of the shoot. He sold him to somebody. I

don't know, maybe someone is riding him. I swear to God, I never saw that article or knew anything about it. It's absolutely the truth.

*You just said that you just got back from Pioche [Nevada] where you were trying a case last Monday. Tell me what that was about.*

It was about the sale of a ranch and a miscount of the cattle. It was a suit over the cattle not being there, an over count. It turned out that after one day of trial, we settled it that night.

*Who was the judge?*

Daniel Papez. [White Pine County]

*Who were the clients involved?*

Well, it was a cattle company out of Utah and one of the Bellows. They've been up there in that area for 100 years.

*Was this a bench trial?*

Yes. Really nothing to it, you know. Like I say, you can train a Chimpanzee to try a civil case in ninety days.

*In March and April of 1955 the Nevada Tax Commission held some hearings wherein you represented Cliff Jones before them. I believe it had to do with the Thunderbird Hotel and an audiotape that was taken of Louie Weiner. I think that was eventually made into the Green Felt Jungle [a book]. Lou Tabet, I believe, was the code name [Pierre "Louis Tabet" La Fitte]. Could you tell me about that?*

There was a personal animosity sprung up between Hank Greenspun [*Las Vegas Sun* newspaper] and Cliff Jones and Lou Weiner. I

really don't know where it started or too much of what it was about. I know it wasn't politics but it was something else of a personal nature. And it might have been that Hank just had a ferocious dislike of Cliff. At that time, Cliff Jones was very, very powerful in the state of Nevada. Greenspun hired a guy by the name of Lou Tabet. He was a private investigator. He went in and bugged the Thunderbird [Hotel] and they got a lot of incriminatory statements from various people connected with Louie. They did have a tape of Cliff but they refused to play it. We demanded that they play it before the hearing [Nevada Tax Commission] but they refused to do it. Marion Hicks was a principal owner. They were trying to, and did, in a rather remote way of connecting the Thunderbird to Meyer Lansky and, of course, the mob. Charlie Russell was the governor.

They had then—I don't believe they had a gaming control board at that time—they may have. Seems to me it was a tax commission that was the gaming regulators at that time. So they hired me. The Thunderbird hired me and we went to Carson City for the hearing and it was a dog-eat-dog fight. I got my ass whipped. Those kinds of things I usually won. We were over in the old Riverside Hotel [in Reno] and somebody, and I never knew who went to Hicks that night at the hotel. Hearings would last, at that time, about three days. We were in there about three days and it looked like we were going another two. Somebody with a lot of clout went to Hicks and told him that if you will get rid of Claiborne and hire the Woodburn firm, this thing will go away. Claiborne's got so many of them mad at him, by now, that you're going to lose your license. Hicks woke me up about one o'clock in the morning and said meet me down in the bar, it's important. So I met him down at the bar. He wouldn't tell me who the individual was but the only thing he would say was that he

had a lot of clout. He said, "Jesus Christ, you fought like a tiger for me and I really don't know what the hell to do." I said, "I can tell you what to do. I'm out as of now. You get up early in the morning and go hire the Woodburn firm. Do what the guy says." I said, "My objective in this case is to keep them from revoking your license. If me getting out the case will keep them from revoking your license, then I'm out. My duty is to you."

Well, I get up the next morning and had my breakfast, got in my car, and drove back to Vegas. As I was going out, I met Hicks coming down for breakfast so I turned around and I went back in and I had breakfast with him. He said he had an appointment with the Woodburn firm. I told Marion I thought a lot about this and I think this is bullshit. They are going to revoke your license. He looked stunned. He said, "You really believe this?" I said, "I really believe this. I hope it's not true. Notwithstanding that, I have to go." I got up to leave and I turned around to him and I said, "I'm going back to Las Vegas and I'm going to prepare a restraining order. They revoke your license, you grab a telephone and you call me and in ten minutes I'll be at the courthouse with a restraining order restraining them from locking your place up. I'll prepare the pleadings and we'll go into district court and we'll fight this thing. I hope we don't have to, but I've got a feeling that I will be." Boy was I ever right. They revoked his license. I had a restraining order ready, I ran to Bert Henderson and got him to sign an *ex parte* restraining order and took it out to the Thunderbird and sat down in the lobby. Jesus Christ, I hadn't been there an hour and the agent showed up. I popped him with the restraining order. The next day, I went over and filed the complaint. This guy double-crossed. I don't know, I had absolutely nothing to base it on but I just

had a gut feeling. If I had known whoever it was that approached him, I could evaluate it. But, I didn't know and I had to assume that Hicks was correct that this guy had a lot of clout. So, anyway, we tried it in district court and Henderson ruled in our favor. The tax commission appealed to the supreme court. I don't know, I guess that may be the only case that I ever won against the gaming regulators. We won it in the supreme court. [Charles M.] "Charlie" Merrill wrote the opinion. Saved their license.

Hicks, absolutely from then on, was a hero worshiper. He had a western picture of Indians. Something like 50 x 48, a large painting, behind his desk in the Thunderbird. The Thunderbird was full of Indian art. Most of the paintings were done by a pretty well known artist at that time named Roger Scott of San Francisco. He commissioned him to do all the paintings. I really liked that painting and I was into Indian artifacts, baskets. I used to look at that painting and I really admired it, and he knew that. One day I'm in, a few days after we won in the supreme court and he took that painting down and he brought it around the end of the desk and he said, "This is yours. I know you love this painting and this is yours." Well, I have it to this day. Then he told me the story. He said he paid Roger Scott \$10,000 to do this painting. I had very little contact with Hicks up until the hearing. I really was brought into the case by Cliff. They thought it was going to be a dogfight and it was.

*They wanted the top dog.*

I kinda had that reputation. Not that being the top dog was you know, rather relentless. Hicks would get drunk and he'd call me. Hey, come out here and have dinner with me, so I'd go out. Every time that I went



out and had dinner with Hicks, Hicks would say, "You still have that painting?" I said, "Yeah." He said, "You know we commissioned Roger Scott to do that painting and we paid him \$15,000." And the next time it went up to \$20,000. I guess when he last stopped mentioning it, it was up to around \$30,000 he paid Scott. But whatever, I've got it and still have it.

*In district court before Judge Henderson, was there an actual hearing where you call witnesses?*

Oh, yeah. It was a trial.

*In looking at the supreme court decision [73 Nev. 115 (1957)], apparently one of the issues is whether you could have a trial de novo or whether it was just simply a review of the tax commission. Is that correct?*

Yeah.

*I have the oral history of Robbins Cahill. He talked a little bit about that, about the case in it. He indicates that they sometimes referred to you as "Whispering Harry." You shout and yell in a very loud voice. Does that sound familiar?*

Sounds familiar.

*Anyway, he said that you're a very good friend. Was he on the tax commission at that time?*

Chairman.

*Chairman. He was talking about you representing Cliff. He said that when Cliff came into the hearing before the tax commission, they were surprised that you were representing him because they did not believe that you and Cliff got along together.*

I don't know where they got that. Cliff and I were good friends. I was in the 1949 session of the legislature as assemblyman from Clark County and he was lieutenant governor at that time. We had adjoining rooms in a motel room in Carson City during that session and we became very good friends. We were good friends before that. In fact, when I passed the bar he came over to the police station and took me to lunch. At that time Bob Jones had just won the district attorney's race against Gray Gubler. He said how would you like to be Bob's deputy? He only had one then. I used to say I was the chief deputy. Anyhow, I was surprised and of course was very happy to do it.

*Was Cliff the one who brought you into the Thunderbird case?*

Cliff and Louie both came to see me at the same time. They were the ones who brought me into the case. But I represented all of them. I represented them individually, and the Thunderbird.

*Was Cliff the lieutenant governor at the time of this hearing?*

I don't think so. I don't think he was lieutenant governor when Charlie Russell was in there.

*What effect did this have on Cliff's political career, political standing?*

I don't think it hurt him any. Those kinds of things in Las Vegas in those days didn't hurt anybody. It really didn't. Hank [Greenspun] built his reputation and the *Las Vegas Sun* and his ultimate empire by attacking the good ole boys' network. See, Cliff was the golden boy of the powers-



that-be in Nevada. Las Vegas didn't mean too much. The power structure was all in Reno. And it wasn't exactly a party thing. It was a group of, originally McCarranites, and they controlled the state. Cliff was their man in Clark County. Hank started attacking everybody that was in the power structure. I was in the D.A.'s office and I was happy there. Cliff came to me and said we want you in the legislature. I had to resign. There was a statute in those days that if you held public office, either elected or appointed, that you couldn't run for any other office. So I resigned as chief deputy. At that time I really was [chief deputy], because we had two other deputies at that time. I led the ticket. That's when a lot of hometown guys—it shows you how powerful these people were—Harley Harmon was born and raised here; George Franklin was born and raised here. I led the ticket.

*Did the tapes, the Lou Tabet business, have a lot of other implications?*

Never. Never. Absolutely none. It just died out after the court cases. In fact, frankly, this is the first I've ever heard about it since the supreme court rule.

*I know that Louie Weiner was quoted quite a bit, at least, in the Green Felt Jungle.*

Yeah. There was so much dirty stuff: that Tabet hid in a closet in a room at the Thunderbird; they eavesdropped—a lot of that bullshit. That was the worst part of the whole thing. It just ran against the grain of everybody. It didn't do Hank a lot of good, either. Hank used to attack me pretty good. He referred to me as a "mouthpiece."

*The [Linda] Lovelace matter?*

Oh, it was awful, those goddamned headlines. I want to tell you I really took a beating about that.

*So, after the supreme court upheld Judge Henderson's decision, that was basically it insofar as the Thunderbird was concerned and any problems with their license.*

They just went on with their life. Everybody quickly forgot it. And it didn't make any difference anyway. People didn't care, really. This was an underdog town. Strange as it may seem, you just didn't pick on the old timers.

*That's what makes the good old boys network.*

That was the grease to the wheel.

*Let me change gears with you and talk about another person that I know you had quite a bit of dealings with—Ralph Alsup. He was a labor leader that you apparently represented over a period of time for different things.*

Ralph was head of the plumbers' union. A notorious outlaw by the name of Tom Hanley was head of the sheet metal workers' union. They were very powerful people in their local communities, no question about that. Ralph ran his union with an iron hand and it took a long time for the unions to get anywhere in Las Vegas. It took them a long time to get a toehold. But they eventually did. To tell you what kind of guy Ralph Alsup was, there was a meeting [December 2, 1949] in the "labor temple," as they called it. It was a room upstairs over the Boulder Club, which was next door to the Horseshoe, which was then the Apache Hotel. There was a meeting of the membership and some guy was criticizing Ralph from the floor. Ralph pulled out his pistol and shot him. He brought

a quick cessation to the problem. Roger Foley was the D.A. and Roger tried him. Convicted him too, but John Bonner was his attorney and he brought me into the case about three days before it went to trial. By that time, John had the case pretty well messed up. He was a wonderful human being, John Bonner, really. People recognized that he was a good man. It took him about six tries to get past the bar. As I said about George Franklin, he had his graduation exercises at the post office.

*He was a correspondent [law school graduate] also, Bonner?*

But John was the county clerk up in White Pine County and got his license. He eventually became the D.A. of White Pine County. At some time he came down here and he represented nearly all of the unions and the union leaders. He had strong ties to McCarran and at one time he was appointed United States Attorney. He got a school named for him—John Bonner School over here somewhere in Summerlin. I see it once in a while I go by and get my morning chuckle.

*Was the name of the guy that was shot Ray Folsom?*

Yeah. Yeah.

*What happened in the case? Alsup was found guilty, wasn't he?*

Right. I really don't know what happened in that case. I know he did some time, I don't know how much. I don't think there was an appeal, I wasn't in on any appeal if there was one.

*It talked a little bit about Tom Hanley as being involved in that trial. Do you remember what his participation was?*

I really don't know. I don't recall. I do recall that he had something to do with the case. He and Ralph Alsup were very close. But then later on Ralph Alsup was murdered [January 19, 1966]. They charged Tom Hanley with killing him. Louie Weiner and I defended Tom Hanley.

*Tell me about that one.*

Surprisingly, there wasn't a damn iota of evidence that Tom Hanley killed him. Ralph Alsup's son still lives in Vegas. I have occasion to run into him two, three times through the years. And he strongly believes that Tom Hanley killed his dad. I never saw any evidence of it anywhere. We beat it in the preliminary hearing. That's how weak their case was. You just don't beat a case in the preliminary hearing because all the test is, is whether or not there's proper cause to try him.

*When you met with Alsup, was that the only case that you dealt with Alsup on?*

Yeah.

*He had a past criminal record as I recall—didn't he?*

I don't know, I don't remember, I don't recall. I never represented him after that case. In those days, I highly doubt that there was any case of any kind of notoriety that I wasn't either the lawyer for the defendant or brought into it by the lawyers who were representing them. I was brought into the Hanley case by Louie Weiner. I was brought into the Alsup case by John Bonner. I guess it isn't an appropriate remark as it would show, I guess, a certain amount of egotism and I don't mean it that way, but when I left the D.A.'s office and went into private practice, I wouldn't accept

any kind of business practice. I wouldn't do any kind of business practice. I tried to steer away from any kind of general practice and I started immediately specializing in trial work.

When I was in the D.A.'s office, I saw a need for good trial lawyers. At that time, and this would be 1948 or '49, the divorce business in Las Vegas was unbelievably good. Nearly every lawyer in this town was specializing in divorces. A lot of the firms were doing a lot of that but handling a lot of other legal business—like Ham & Taylor, maybe Leo McNamee, Harold Morse, Morse & Graves. Old judge moved in down from Winnemucca and Howard Cannon joined him. Old Judge Hawkins. They were doing a lot of legal practice, law practice besides divorce cases. But, they all were handling a great number of divorce cases and a lot of these lawyers were having five or six a day. The minimum fee to them was \$100 plus the costs and the cost was \$35. Total cost, that included filing fee and the court reporter. Some of them were making \$500 a day in the divorce business and their secretaries were doing all of the work for less than ten minutes in the courtroom.

*One hundred dollars was a pretty good fee back then.*

Damn right. I felt, well, if a guy makes himself available for trial work, these lawyers didn't want to try a case. He can make a good living and do the thing he likes to do. So I specialized in trial work. I came out of the D.A.'s office with a very, very good reputation as a trial lawyer. I was a handful. So it was no problem. These lawyers began to send me their trial cases—case was going to trial, they couldn't settle it, and it looks like they're going to trial. They'd send them to me. Pretty soon I became the leading trial lawyer, civil

and criminal in town. I know that everybody thinks of me as just a criminal lawyer, but it wasn't up until the last fifteen years that I was active that I was handling nothing but criminal cases. I was pretty well balanced with civil trial work. But civil trials never made the newspaper and criminal cases always did. Surprisingly, the criminal cases that I was on, that they used to say, that I was the only show in town. I think I said this before.

*Well, the newspaper articles that I've been reading prove that to be true.*

Yeah. The old courthouses were surrounded with cottonwood trees and they used to have closing arguments in the evening, regardless of when we finished the case. They'd raise the windows in the courtroom, people would come with beer and blankets and sandwiches and lay out under the cottonwood trees and listen to closing arguments. That was the only goddamn show in town. There was no limit to closing arguments, you could go as long as you wanted to and we all gave them their money's worth.

*What do you think your longest closing argument was?*

Probably an hour and a half; maybe some two hours. Those were the days of the courtroom orators too.

*I'm looking at a newspaper article dated April 18, 1951, and apparently Tom Hanley hired you to defend five kids who were charged with statutory rape. Does that sound familiar?*

Yeah.

*Why was he involved in something like that?*

Oh, I don't know. But I do recall he come and he hired me. He paid for it—probably the union paid for it.

*Tell me about the Hanley murder case. When he was charged with the murder of Alsup?*

Well, really, there wasn't a hell of a lot to it. About all of the evidence against Alsup was that Alsup told one of the officials of the union that he was scared to death of Tom Hanley and he thought Tom was going to kill him. That was all the evidence connecting Tom to the murder.

*How long did that trial take, do you recall?*

It only lasted one day and it was only a preliminary hearing.

*Did they ever re-file or do anything against Hanley?*

No.

*Did you have any dealings with Hanley after that?*

No.

*Was he eventually involved in, he and his son, killing someone else a number of years later wasn't he?*

Yeah, it was the head of the culinary union. Yeah. It was a power-packed guy. What was his name? [Al Bramlet]

*I think they convicted both Tom and his son. Andy Gramby?*

Gramby. Yeah.

*Let's talk about Benny Binion. I think last time we finished, you were telling me that right after you left the D.A.'s office, you had a conversation with Benny Binion on the street corner. Mutual friends introduced you and Benny indicated that he wanted to hire you at that time. Let's talk about your relationship with Benny.*

Well, Benny had been in Dallas, Texas. He operated a gambling empire. He had a casino on the sixth floor of the Baker Hotel, downtown. He also had the numbers racket, which was a moneymaker in Dallas. He operated with the sanction, of course, of the sheriff, and I presume the D.A. Then there was a big crusade in Dallas County and a guy ran for district attorney and another fellow ran for Sheriff on a cleanup ticket and they won. Of course, Benny tells me that the D.A. was a guy by the name of Wilson who later became a judge of the court of criminal appeals of the state of Texas. Benny went to him, according to Benny's way he related it to me, and the sheriff, and wanted to know whether he was going to be able to operate on the same terms he had been operating or whether his tenure was over. There are two versions to the story—one is Benny Binion's and one is Wilson's. Wilson told him no, you're out of business. So he packed up his gear and left, came to Nevada and he brought all of his lieutenants with him. Kell Housells had a casino next door to the Pioneer, which was at that time called the Las Vegas Club. Benny Binion bought half of it, a half interest in it. This would be in 1947. Benny claimed that he had an agreement with Wilson that if he would leave Texas that he wouldn't prosecute him for any criminal violations committed by Binion within the statute of limitations. Wilson, of course, denied that. Said not true. The only conversation he ever had with him was, you're out of business.

When I got out of the D.A.'s office and when we met on the street corner that day, he said, I have trouble coming from Texas. Well, trouble did come. They tried five times to extradite him for various gambling offenses in the state of Texas. At that time Nevada had not adopted the Uniform Extradition Act where the only requirements to extradite a person back to the demanding state was identity and is he charged with a crime. Then, under a series of opinions from the Supreme Court of Nevada, you could go behind the indictment. You could make them prove that he had actually committed the crime in the demanding state. We had a full-blown trial on the basis of a *habeas corpus*. I'd shoot out a writ of *habeas corpus* as soon as the governor would say, "OK we're going to extradite him." I'd say to the governor, "Well would you give me a few days before you sign the extradition warrant." The governor always did. I'd take that few days to prepare a writ of *habeas corpus* and go into district court and file it, block the extradition. We'd have a full-blown hearing. If I won, Texas would come back with another trial, another case. If I won that case, they'd come back with another one. If I lost, I'd go into another county and file a writ. If I lost, there I'd go into another county and file a writ.

*In Nevada you have seventeen shots.*

I had seventeen shots. We didn't have to take them all, but I did have to take five or six. I finally prevailed. So that's the cases I was hired on. I was never the attorney for the Horseshoe, never. I didn't want it.

*Why is that?*

I just didn't want to be tied to any one client, really. I don't know. If I had to give

a reason, I guess, I sure as heck couldn't give one. It's just a part of my independent. I represented Frank Sinatra for six years and he got to have so much business finally that I couldn't handle it. I wasn't equipped to handle it. I wasn't a business lawyer, he needed the best there was in that field and so I quit him. The money was good but I never was so miserable as during that period when I worked for him. You have to know your limitations. Only a foolish lawyer goes beyond what he knows is his own limitation. It's going to breed a lot of problems for him down the road. It will eventually alienate his clients. Always happens. It always amazed me, particularly when I was on the bench—lawyer after lawyer come into the court who wasn't equipped to try a case and didn't know what the hell the rules of evidence were and they're in there risking people's property and their money. Trying to do what they know they're not equipped to do, but they want to try a case. Or they want the money, one or the other two. That I never would do. When I quit him, I told him, "Hey, your business has gone beyond my capabilities and I dearly love you. My relationship with you has been wonderful, but I'm through."

*On the Binion matter, did you actually try the case on the writ of habeas corpus in Nevada?*

Oh yeah.

*Was that in Clark County?*

One in Clark County. I had one in Nye County. I had a *habeas corpus* hearing in Ormsby County, one in Washoe County, and another one in Clark County.

*This was all for Benny Binion?*



Yeah.

*Was it the same set of facts?*

No. No. Different extraditions. You see, Texas had a hell of a problem because they indicted him going back within their statute of limitations, which was probably four years on most of these charges. It was goddamned hard to prove a gambling offense. And the other thing, I had the benefit of the Nevada atmosphere and environment—what the hell is gambling; what the hell.

*How did you decide which counties to take it to?*

I pretty well knew. The first thing in successful trial work is to know your judges. I knew the twenty-one judges in the whole state

*So you had a number of cases for Binion under those circumstances.*

Oh yeah.

*Did they ever extradite him back?*

Oh no. No.

*Was this over a several year period of time?*

Three- or four-year period.

*I see that there's an article dated May 13, 1951, where there was some question about his gambling license before the state of Nevada. Was that part and parcel of this?*

No. Different thing. Benny started double odds in his place. The whole gambling community, I'm talking about the owners, came to him in a mass and said, you can't

do this Benny. He did it anyway. He's a hardheaded Texan. He did it anyway. It caused the split up with Housells, and Housells sold out his interest. Binion moved across the street and, I guess, it's still the Las Vegas Club. Bill Moore was one of the owners and the general manager of the Last Frontier Hotel. The only two hotels on the strip at that time were the El Rancho and the Last Frontier. Bill Moore was chairman of the tax commission and they sent investigators down to Texas who dug up Binion's reputation and a number of shootings that he was engaged in where a couple of people were murdered. They brought proceedings to revoke his license. They didn't win but they caused him a lot of headaches. I guess if he could have been embarrassed, it would have embarrassed him, I'm sure. Even though he might not have liked it then, I'm sure it did. I represented him in those proceedings.

*What do you mean by double odds and why did the other casinos not like that?*

Well, in other words, say on a crap game there are various odds on the table. Whatever the table odds were, he'd double the payoffs. So, there you were. Now it's common in a lot of places.

*The other casinos didn't want to do that?*

Oh no, hell no. They figured he was starting something that would eventually affect their income.

*In this same article it talks about Binion seeking a license for his new Horseshoe Club, formerly the El Dorado Club. Is that in the same location as the Horseshoe today?*

Yeah.



*Was it the El Dorado Club that Housells owned?*

No. On the lobby floor of the Apache Hotel was a casino called the El Dorado. The rest of the hotel was operated as a hotel separate and apart from the El Dorado Club.

*It also goes on to say that listed as officers of that corporation was "Nick the Greek" Dondolas. Who was he?*

He was the most famous gambler in Nevada. He was a high roller at that time. He was the most prominent gambler probably in the world. Big time.

*Did he live right here in Las Vegas?*

Yeah.

*What was his connection with Benny Binion?*

Benny was the first gaming club that had no limit. You could bet any amount and he paid you. That's why he started gambling at the Horseshoe and he met Benny Binion personally and they became good friends. In the last years of his life, Benny was financing him—I know that for a fact. Because he finally got broke, as all gamblers do if they stay in the game, and Benny was staking him the last five years of Nick's life.

*Also listed on here as the officers is you. Did you set up the corporation or were you involved in it in anyway?*

Yes, I did.

*What was your role in the corporation?*

As soon as the articles of incorporation were received, I resigned. I never was on the

board of directors of the Horseshoe and I never was officially the Horseshoe attorney yet I did all of their legal work. Good God, I formed twenty-five corporations from my office with my staff.

*You talked a little bit earlier about Sinatra. How did you first get in touch with him and start representing him?*

I'm in my office one day and I get a call from Jackie Freedman. Jackie Freedman was an oilman in Texas and a partner of Joe W. Brown. Joe W. Brown later on owned one-third of the Thunderbird and, I guess, Joe Brown started the Las Vegas Country Club. Jackie Freedman called and he said, "Do you know Frank Sinatra." I said, "No, I don't know him. But I, of course, heard of him."

*About what year was this?*

Must have been about '53, probably.

*I'm looking here at an article dated February 9, 1954, where your name is associated with him finally getting approved for the stock of the Sands Hotel. So that would probably be about right. 1953.*

It would have been 1951, then.

OK.

Probably 1951. Might have been '50, I don't know. What I'm trying to remember is, this was a low ebb in Frank Sinatra's whole life. He wasn't booked anywhere. He owed the federal government \$116,000 in taxes. It was a lot of money then. His lawyers in Los Angeles had quit him. He was at a hearing before the appeals section of the IRS in San Francisco and he had no lawyer. I told

Jake Freedman, I said, "I don't know doodly shit about taxes." I repeated to him exactly what I just said to you. I said, "Every lawyer knows his limitations and only a fool goes beyond." He said, "Harry, he's got to have representation, OK? I want you to go and represent him. You got time to study what the situation is and I know goddamned well you can get on top of it." The hearing was the next week. I said, "All right, I'll go and do my best but I want this guy to know that this is beyond my field." He said, "He knows that but he can't get anybody else. He doesn't have any money."

So I went and represented him. During a lunch break, a guy that I saw around here, and I know was connected to the IRS, but I don't know how, and I don't know his goddamn name, walked by me and he said, "Claiborne, do you know what an . . . compromise is?" And I said, "No." He said, "Well, find out over the lunch period and present the judge and the hearing officer with the . . . compromise." I ran to the IRS and I got a form for . . . compromise—I didn't know what the hell it was. Filled it out and I don't remember the amount we put in there, but I called Jackie Freedman long distance and I said, "Would you put up the money if I can get them to take it?" I think it was \$25,000. He said, "Yes." They accepted it. That started our relationship. He went home and then he got a call from a studio, I think the next day, telling him he had a part in a movie called *From Here to Eternity*, right up his alley—would he like to have it. He jumped at it and they sent the script over to him. He accepted it, immediately, without even seeing the script, they sent it over to him, he played the part, he won the Oscar. From then he skyrocketed, overnight, and he became the biggest draw in the entertainment business.

*Was he present with you on the hearing in San Francisco?*

Yeah.

*Was it an evidentiary hearing?*

No.

*February 9, 1954, it says, "Sinatra finally approved for Sands," that'd be the Sands Hotel. It says that "Singer Frank Sinatra is now a full-fledged partner in the Sands Hotel with at two percent interest following the approval of his often deferred application yesterday by the county licensing board." You asked that Sinatra's name be added to the strip hotel's license. Tell me about that. What role did you play in helping him with his licensing?*

I represented him. I prepared his application. I did all of the legal work on it and filed it with the Commission and I represented him at the hearings. As I recall, they kept deferring the hearing for additional information. I don't remember who it was at that time, I think it was the investigator for the sheriff's office, somebody connected with the sheriff's office kept asking for more time to get information. I know it took an awful, what appeared to me, to be an unreasonable period of time. The hearing was announced and then deferred, announced and deferred, announced and deferred. But no problems, he got his license without any problem.

*The next thing I have on him and your relationship with him is on September 17, 1963. There's a Johnny Marshall and it said, "Marshall, according to state officials, has underworld connections which makes him a menace to the legalized industry. Should*

*Marshall win his case, there could be a decided effect on the state's proceedings against singer Frank Sinatra, who is on the pan for catering to Sam Giancana, another man who is listed in the black book." It is the Cal-Neva [Hotel and Casino] situation.*

I generally recall it, but I don't remember any of the facts of it. All I know about the Cal-Neva thing—the gaming board offered Frank that they would not revoke his license if he would agree in writing not to allow Sam Giancana on the premises, and Frank refused to do it. He said, "Sam Giancana's been my friend since I was a kid. I don't turn my back on my friends, he's welcome in my home, he's welcome, naturally, in my business. I won't turn my back on him. If it means losing my license, so be it. Friendship is more important to me than a gambling license." And they revoked him.

*I'm looking at part of Robbins Cahill's oral history and he is talking about a hearing that I think was probably in 1954.*

I was a six-year lawyer. That would be about right.

*It's talking about a hearing before the gaming commissioners at that time, and one of them was a fellow by the name of Bob Allen. Robbins Cahill was talking about what a hard time Allen was giving Sinatra. Do you recall that situation?*

Bob Allen was the bad guy on the commission. Like in the Benny Binion hearings—he did all the dirty work. He was the guy who would just start questioning Benny—did you kill this guy? Did you kill that guy? Did you do this, do that? He carried the heavy stuff for the board and all of them were

right there with interested looks on their face. In other words, I called Bob Allen the slasher. Of course, he did all of that. Not only in that case but every other case. Bob Allen was a mean son of a bitch. I admired him, so was I. He took you on; he took you on good.

*What was his background? Was he a lawyer?*

No. No, he wasn't a lawyer, but he was a goddamned smart man. I don't know what the hell he did. I don't remember.

*Robbins Cahill says that anybody who remembers Bob would know he would never be classified as a type of person who would be a Sinatra admirer.*

Well, I don't think there's anybody he admired. I really don't.

*Then it says at one point Sinatra could see that he was having trouble with him and said, "Mr. Allen, I seem to have offended you somewhere. What have I done that's wrong?" Do you recall that?*

Oh yeah. Well, I think back, he was so antagonistic towards Frank that Frank did say that, in a nice way. You see Frank could not understand. He was raised in the Italian district in Hoboken, New Jersey. He had started out as a prizefighter and he lived in a tough environment where there is a bond between friends both racial and otherwise—a tie in of friends. A friend was a friend. If a guy was your friend he could do no wrong. It didn't make any difference what he did, he's still your friend. He couldn't understand why everybody wasn't like that and he was genuine with him. He would say to me, "Don't they understand, Harry? He's my friend."

*Cahill says, "He probably made some deprecating remark about the amount of money that was involved," or something and that made Allen mad and now he says, "Well, evidently, Mr. Sinatra you don't care about money at all when you make remarks like that." Does that sound familiar to you? Sounds like there was a little bit of jealousy about the amount of money that Sinatra was making.*

Well, I think actually Robbins Cahill is absolutely wrong with that. That arose where Frank had a limousine pick Sam Giancana up at the airport. This wasn't just one visit that was involved in this. Comped his room and everything else. Even though the guy gambled at Frank's tables and won a lot of money. Smartass Allen said, "Well, I guess money doesn't mean anything to you." Frank's reply was, "Money doesn't mean as much to me as friendship." That's what happened.

*That's the context. I also looked at the oral history of Ed Olsen and he was also on the gaming commission, gaming control board. He is talking about the hearing in 1963. Is that also the Cal-Neva situation?*

Yes.

*That's apparently when there was a press statement issued by you on October 7, 1963, where he withdrew his application. Tell me about the circumstances on that.*

Frank had made a statement—I don't know whether it's in there or not. I don't know whether Cahill quotes Frank in what he said about Ed Olsen. Ed Olsen was a handicapped person and walked with the aid of a walker. He was the reporter for the *Carson City Appeal* and was appointed to the board. Sinatra was quoted by some newspaper guy as saying

something about Ed Olsen is not only crippled in his body but he's also crippled in his head. I had already seen the dice were cast. What I was really trying to do was get them not to revoke him at the Sands, but only revoke him at Cal-Neva, which happened. I saw this and I thought, oh shit, there goes both licenses. I had a conference with Frank and I told him exactly what I felt, and he agreed. He said he wished he hadn't said it, but it was too late, the damage was done. So we didn't withdraw anything. Notified the gaming commission that he would give up his license at Cal-Neva, provided that they wouldn't revoke him at the Sands. They granted it.

*Did you have dealings with Mickey Rudin, Sinatra's lawyer?*

Mickey Rudin? Yes. Mickey Rudin was on the case with me.

*Is that the only time you dealt with Mickey Rudin?*

Oh no. I dealt with him for years. I did a lot of work down the line for Frank. A lot. After I quit being his only lawyer, I did a lot of work for him. I had a pleasant relationship with Mickey all his life. He's dead now.

*Was he Sinatra's personal lawyer at this point?*

Yeah. When I quit, he took over Frank's business. Which was the best thing that ever happened to Frank Sinatra. He made him a lot of money and managed his affairs and became his close personal friend. God, it was a lucky day for Frank that he hired him.

*Ed Olsen talks about an incident where there was a telephone conversation between Sinatra and someone at the control board. Sinatra was*

*impolite and calling people names or something like that. Do you remember anything like that?*

Yeah, I remember something about it. I don't remember the details of it. One of the investigators called Frank on the telephone and Frank cussed him out.

*Then Olsen talks about a subpoena duces tecum that was issued. The deposition was taken and you showed up with him at the file and there's some question about some tapes. Do you recall that incident?*

No. I remember some depositions were taken, and I remember some argument over tapes. But, they never had any court order to tap anybody's telephones and I think the tapes that they were talking about were interview tapes. The same thing happened in Cliff Jones' case. They had a whole bunch of tapes and they wouldn't play them, and they wouldn't deliver them. That was their way of doing business in those days.

*Robbins Cahill also talks about a man by the name of Mack Kufferman, and I think that you represented him at the hearing?*

No.

*Cahill goes to say that, "I think Kufferman was the most arrogant man I ever knew or ever saw." What were your dealings or knowledge of Kufferman?*

Well, actually, Kufferman owned the Sands. He was building the Sands and it got down to near completion and he made application for a gaming license. I agree with his opinion about Kufferman because I had a lot of dealings with him. Jakie Freedman was in Texas and came to Las Vegas. Where I met Jakie Freedman was

that he was a good friend of Ballard Baron who was originally from Ft. Worth, Texas.

*What was his first name?*

Ballard Baron. He owned the majority interest in the Last Frontier Hotel. He was originally from Ft. Worth, and he was a personal friend of Joe Brown's and Jakie Freedman. I was Ballard Baron's lawyer—I met Jake. I had dinner with Jake maybe fifty times before he came to Nevada. On one of his trips in to see Ballard at the Frontier, the Kufferman thing was before the gaming commission, and apparently things were not going to well for Kufferman. We're having lunch at the Last Frontier, it was Ballard, Jake Freedman and myself, somebody else but I don't remember who was there. There was four of us. Ballard said this guy's not going to get a license. Jakie Freedman knew him. Jakie never spoke ill of anybody, a tiny little Jewish fellow who was one of the nicest persons I ever knew. Jakie said, "Well, from what I read in the paper this morning, he's not making any friends down there." About two days later Jakie called me on the telephone and he said, "How busy are you today?" I said, "Well, you know, of course I'm busy, but what have you got on your mind." He said, "I'd like to go out and see the dam, I have never seen the dam." I said, "All right, what time do you wanna go, I'll come pick you up." We set a time and we went out to the dam.

En route to the dam he said, "They refused Kufferman a license yesterday." I said, "I saw that." He said, "Hmm, I'd like to buy that place. I'd like to get together some partners and buy that place. Would you set up a meeting." I said, "Sure." Kufferman, at that time, was represented by, I think, Louie Weiner, I'm pretty sure. Whoever it was, it might have been George Rudiak. I don't know, one or the other. I called whoever it was, his lawyer, and



arranged a meeting. I agree, he was the most obnoxious son of a bitch I think I ever met in my whole life—bar no one. Well anyway, they started meeting by themselves after that and finally Jake bought the Sands and finished it. I became the attorney for the Sands, and I was the attorney for the Sands until they sold to Howard Hughes. I was the first person Howard Hughes fired.

*Well that's a distinction of firsts.*

He got pissed at me.

*How did that come about?*

Because I kept changing the sales documents. I kept finding things wrong with them. Finally Jakie said, "Goddamn it, knock this stuff off, he's going to get mad and we're going to lose this sale. Don't find anything else wrong with them, I don't give a damn what it is—don't." And I didn't from then on. I guess I really pissed Hughes off. Who was his number one guy, I see him all the time?

*Bob Maheu?*

Bob Maheu.

*Was he the one that was involved in it?*

Yeah.

*Did Kufferman leave the Vegas area?*

Yeah.

*Were you involved at all when Frank Sinatra's son was kidnapped at Lake Tahoe?*

The only involvement was that Frank called me from Los Angeles and he said,

"What should I do?" I said, "The thing you need to do is get in touch with two people. I will call Bill Raggio, the D.A., and right now." I said, "Then you call Bill." I gave him Bill's phone number, cause I had it. This is in the nighttime. Then I said, "You call the sheriff's office immediately."

*Had Frank Sinatra gotten a ransom note at this point?*

At that point I don't think he'd gotten a ransom note. I'm sure he hadn't. But I do know there was a violent storm going on in Reno, and I remember that. He hired a plane to fly him from L.A.—long story with that. The guy had a helluva time landing because it was a helluva storm and Bill Raggio met him at the airport.

*How did Frank Sinatra find out about the kidnapping before the sheriff's . . .*

I don't know. I did know but I don't know anymore.

*Then what happened after that?*

They got the money together. They left it on an overpass on the highway, street near downtown Los Angeles, and grabbed the guys when they showed up for the money.

*Pretty sophisticated.*

It was a big deal.

*OK, I'm going to switch gears with you and talk about Rodney Colton. Who was Rodney Colton?*

Rodney Colton was a county commissioner. Rodney Colton was charged



with accepting a bribe, television set and something else [*Review-Journal*, November 24, 1954]. Roger Foley tried him. Of course Roger Foley tried everybody. He was a very pious man. He studied for the priesthood. I always expected that God talked to him, said, "Get out of this business, you're not supposed to be a priest. You're too mean-hearted to be a priest. A priest must be compassionate. So, you quit and study law and become a prosecutor." That he did. He tried him for bribery. Surprisingly, I think he convicted him. I recall taking an appeal for him so he must have gotten a conviction.

*Did this stem out of the Lou Tabet tapes and interviews?*

Yeah, the same thing. All of this business was [Hank] Greenspun inspired. Yeah, the Tabet thing. He was after the Thunderbird, the commissioners.

*Glen Jones, the sheriff, he was involved?*

Oh yeah. Glen was involved.

*Did you represent Glen Jones at all?*

No.

*Was Rodney Colton part of the Colton family from Searchlight [Nevada] by any chance?*

That's true. Yeah, and a wonderful little guy. Wonderful little guy. Tried to do right. He wasn't out with his hand out.

*Do you ever see him around anymore?*

He's dead now. Course he's been dead for many years. I always heard from him around Christmas time, he'd always call me.

*I read that Glen Jones was involved in the Roxie's Brothel.*

Louie. With Louie [Weiner]. There was a house of prostitution out at the other side of Pittman on the Boulder Highway in an area called Four Mile. So I take it, this area would be four miles from town.

*Four miles from somewhere.*

Four miles from somewhere. I can't remember the guy who owned it, or owned some of it [Eddie and Roxie Clippinger]. Greenspun claimed that Glen Jones and Louie Weiner owned a part of it. Course Louie always claimed that he was just his lawyer. I don't know if Louie owned a part of it or Glen Jones owned a part of it. All I know is that nobody ever proved it—let's put it that way. There was a bar right behind the Golden Nugget in those days called the Esquire Bar. There was a guy named Peewee Beal, he was the bartender there. A drunk Texan staggered in to the bar and Peewee rolled him. One of the girls from Roxie's was in there and she demanded a cut. Peewee said, "Hell, you didn't bring him in here." She said, "No, but I saw what you did." He said, "Git' outta here." He tossed her out. She got mad and she went down to the police department.

They arrested old Peewee and we charged him with theft. George Marshall showed up as his attorney. George had just made an unfortunate race against McCarran—he got his ass beat. We had the girl on the witness stand to testify. George took her over in cross-examination and it went something like this: "Young lady, what is your occupation?" She said, "I'm a waitress." He said, "What restaurant do you work at?" She said, "Well, I'm unemployed at the

present time.” He said, “Well, what was the last restaurant that you worked at?” She says, “I don’t remember.” He said, “Oh, come off of it,” in a loud voice, “What do you mean, you don’t remember it? You must remember the last restaurant you worked at.” She looked at old George and she said “Come off of it, George.” Called him by his first name. She said, “You know I’m a whore at Roxie’s, you’ve been out there enough.”

*Louie Weiner was telling a story about a photograph in the Sun [newspaper] when there was a raid on Roxie’s, and Louie was at the cash register. Do you remember that?*

Yeah. There was a superficial raid on Roxie’s. Everybody had noticed that they were coming. Louie Weiner figured that they were going to grab the money so he runs out and he’s taking the money out of the register when the newspaper reporters and the police come in. He’s at the cash register removing the money and they took his picture. The guy’s name, who I believe owned the place, was [Eddie] Clippinger. The woman’s name was Roxie Clippinger.

*Did you know Williams Burns, Bill Burns?*

Oh, Bill was the mayor of Henderson for a long time; he may have been the mayor part of the time that I was city attorney, I’m not sure. But I knew Bill real well.

*Let’s talk James “Sailor” Ryan. Now we’re getting to some of your real good friends. Who was he?*

Jim was in the legislature, I guess, for about twenty years. He was also the head of the laborers union. I was in the forty-ninth

session of the legislature and he was one of the assemblymen from Clark County. We seldom voted the same way but we became very good friends. I guess Jim’s still living. I haven’t heard from him in years, I hope he’s still living and that he’s in good health. He is one of those people that you think about, that you’ve known in your lifetime and in meaningful situations. He was a guy who was dedicated to the good in humanity. If ever the people had a representative in the halls of any legislature, it was Sailor Ryan. He hated lawyers with a purple passion. I am sure that I am the only lawyer in America that he liked. He was a county commissioner for many years.

He was prosecuted by Rick Wright with whom I am associated. Rick never lets me forget that day. I don’t even remember the song, but to the jury I sang a Bob Dylan song. Who the hell’s ever heard of him since? “How long shall I suffer” or something like that, one of the phrases in the song. He never let me forget that.

*Was he eventually convicted of the crime—Sailor Ryan?*

No. He was acquitted. He might have been convicted and we got a retrial and he was acquitted. It was a bribery case but I don’t remember the facts [Review-Journal, March 14, 1974].

*Horace Tucker. We don’t want to get away today without talking about Tucker [Review-Journal, March 25, 1965].*

Horace Tucker was the former mayor of North Las Vegas. I was the former city attorney of North Las Vegas. I was city attorney of every goddamned place it seemed

like. Anywhere in dire need of city attorney's, I guess—city attorney of Henderson, city attorney of North Las Vegas, city attorney in Boulder City. I knew Horace Tucker before I was city attorney of North Las Vegas. Horace Tucker owned a bar, which was the most popular bar in North Las Vegas. Located right on Main Street. I was in charge of the downtown MPs at the Las Vegas Army Air Base. Of course, I made numerous trips into town. I was quartered at the base and worked in town. I would make a practice of stopping by Horace's place and having a few drinks on my way back out to the base. He was a Texan and talked like a Texan and acted like a Texan. I guess we had something in common and we became friends. Not social friends, but just friends.

Well, Horace was the strongest political figure in North Las Vegas. He had a machine. He was a big fish in a little pond. But he could control the elections in that area. He could produce a great number of votes in any countywide race. Well, the night before an election he had one of his colleagues over to his house and the next day they started drinking Coors beer. I haven't drunk Coors beer since then. They both got drunk. Horace excused himself and went to bed. Lo and behold, the next morning when he got up, he discovered his friend still sitting in his chair, who had been shot through the heart [May 7, 1957], strange as it may seem, with Horace's pistol.

They arrested Horace and they took him down to jail. George Dickerson was the D.A. I went to George and I said, "Hey, we'll submit this guy to a lie detector test." He said, "The hell you will." I said, "Yeah." I was convinced ole Horace really went to bed drunk and really didn't do it. He brought a guy in from Los Angeles Police Department, a polygraph

operator for the police department in Los Angeles, and the guy examined him. He said this man's innocent, so they didn't charge him.

A few years later [October 8, 1963], Horace had another one of his lieutenants over the night before the election who was sitting in the same chair, both of them got drunk on Coors beer, Horace got drunk and went to bed. He wakes up the next morning and lo and behold this guy was shot with Horace's pistol right through the heart sitting in the chair. George Dickerson is still the D.A. When I walked into his office after they arrested him and took him down to jail, he said, "Don't mention lie detector to me!" They charged him with murder and they tried him. I don't know what they convicted him of the first time. Anyway, I appealed to the [Nevada] Supreme Court and the supreme court reversed it. We went to trial the second time and the jury convicted him of involuntary manslaughter. The judge gave him a year in jail.

One day I ran into Dr. Denman, who was the jail doctor. I said, "How's my old client Horace Tucker doing, doc." He said, "He's a very sick man. He's not going to last very long. He has a heart condition, he's really on his way out." Well, I petitioned the court to release him and it was granted. He wound up doing about ninety days as I remember. Paul Price, for ten years, wrote a column for the *Sun*. Every year on the anniversary of his release from jail, Paul Price would write a column and he'd say, "Good morning Harry, it appears your old client Horace Tucker had an anniversary today. Many years ago you told the court that he was dying of cancer," which I never said. Never said that! "And the Court released him from jail. I saw Horace yesterday and I know you would be pleased

on his anniversary of release to know that he is doing well." God, I don't know how many years he wrote that column. Horace Tucker.

*Whatever became of him? Did he stay around the Las Vegas area?*

He eventually became so ill that he went to live with his sister down in Texas and he died there—six or seven years after his release from jail.

*I presume that ended his political career.*

Oh yeah, for sure. I never will forget George Dickerson jumping up—I didn't even say what I was in there for—jumping out of his chair yelling at me, "Don't you even mention lie detector test to me!" But I said the worst thing that I ever said about a case, I guess. I come down from visiting the jail, right after they had jailed him the second time, and a newspaper guy ran up to me. He said, "Well, what about this one?" I said, "This is the biggest indictment of law enforcement in this whole community. They were charged with the responsibility of keeping the citizenship safe. This is the second time somebody's gone into Horace Tucker's house and killed somebody." Oh God, I lived to regret that.

*There's a newspaper editorial dated March 25, 1965, and the heading is "Attack on Reporting Doesn't Serve the Public." It says your "intemperate attack on the press Wednesday comes as a surprise" to them and it's talking about the newspaper commenting on Tucker before his sentencing. Do you remember that incident?*

Oh, vaguely.

*When the case was reversed, and I'm reading from the [Nevada] Supreme Court decision of 1966 [82 Nev. 127 (1966)], it says, there's one other ground of error, which you should consider. A police officer was allowed to testify to a statement made to him by Tucker shortly after the police arrived, and found Evans body. The statement is, "You . . . find . . . gun this time." Do you remember what that meant?*

Oh vaguely. I think that was Davidson. A police officer named Davidson that Tucker said something to the effect "You will find the goddamned gun this time" or something to that effect. But they found the gun before.

*Harry, tell us if you will, about your hunting trip to Alaska.*

I hunted in either Northern British Columbia or the Southwest Territories, Alaska, every year for, I guess, eighteen consecutive years. I skipped a couple of years when my hunting buddy got phlebitis in both legs. We skipped a couple of years and I guess then I hunted five or six years after that. We had an outfitter; it was an Indian guy who was very well known, by the name of George Ezerdza. He was a full-blooded Indian. We arranged to hunt with him in a little place called Lincoln Lake in Northern British Columbia. Atlin Lake is right on the Alaskan border. In fact, right at the foot of one of those glaciers. I don't know the name of it. Beautiful country. We made arrangements for a pilot to fly us up to Lincoln Lake. I presumed Lincoln Lake was about eighty miles away, maybe. He flew us down to the lake and we made camp. We had one of Ezerdza's sons with us as a guide. The pilot, I can't remember his last name, his first name was Ralph. Going back, he crashed. He had some plane trouble, he

had a pontoon plane and he tried to land in some stream and I guess it was too shallow. He wrecked his plane. And walked back. He had some injuries but he walked back. He was supposed to pick us up in ten days. We knocked camp down on the tenth morning. We got up and knocked the camp down and got our fishing gear. We're fishing around in the lake waiting for him and he didn't show. This is in the last week in August and already it had begun to spit a little snow. Eleven days he didn't show. We began to get a little anxious. Joe Bellow, a rancher from up in Caliente, was with me. Joe and I talked with the guide. There were two other hunters in the camp besides us. He said, "Well, that happens quite frequently. Pilots are all independent contractors and they work out of this lake and they haul hunters and something gets wrong with their plane and they can't go get hunters and are delayed several days." The guide says, "But he'll be here. You can bet on that, he's a very reliable guy. He'll be here." Well, it got around the thirteenth or fourteenth day. Joe and I woke up one morning and there was about 2 inches of snow on the ground. We were kind of unorganized because, I mean, we were afraid to put our camp back up. Except our tent, we put our tent back up. Joe and I got to talking that morning while we were eating our breakfast. "That son of a bitch ain't coming, something's happened." So we took a walk with the guide. I told him, "I don't think the guy's coming back." We had a radio, but on the second day we were there, it went out. He says, "Well, let's go to work on the radio." We went back to camp and we spent the whole day, I don't know a damn thing about radios. Joe knew a little bit of something, but not much. We couldn't get it functioning.

Going out to Lincoln Lake, I rode up next to the pilot in this plane—single engine

plane—and no other seats other than the pilot and seat one to his right, and the rest was cargo space. He was equipped to haul hunters and their game. I'm sitting up there with him and I'm talking about the country that we're flying over. I knew we were flying into the sun all morning—the whole trip. We flew over a place and I saw it was a lake and I said, "Is that it?" He said, "No, that's a lake called Surprise Lake." I looked and I saw buildings and there was a mine, looked like a mine there. He said there was a mine there but he said they closed down. By now, he said, they're closed down and they leave just a caretaker there. When the weather starts getting bad, they pull out. I remembered that and I remember that we were flying right into the sun all the way. I didn't know the distance.

Joe and I started talking that night. We couldn't fix the radio. I said, "We can't be marooned in this goddamned place. That's all there is to it." He said, "Somebody's going to have to walk out of here." I said, "I know how, I know where there's a mine and there's a caretaker on the lake. We flew over it. And I know damn well it's due west of here." I said, "Somebody's got to walk out and get some help. I think you and I should do it." There was another guy with us, R. L. Jefferson, here from Las Vegas, and two or three other hunters. I've forgotten where in the hell they were from. But in the morning we got up early and we went to the guide and told him we're going to walk out of here and get some help. He said, "Well, I can't go with you. I have to stay with my hunters and I can't leave these guys here. I don't want you guys to try cause you don't know where in the hell you are." I said, "Well, I think I can find that damn mine." I knew I could. You just go due west. I asked him, I said, "What do you think the distance is?" He didn't know.



We had practically run out of provisions because we planned it that way, we were going to leave. We had gone out and knocked down a moose calf. We hung the meat in the trees, and there are not a lot of trees in that area. But we hung up the meat in the tree and there was a whole tenderloin that we had out. I went and cooked the tenderloin. One of the guys had a backpack, so we took a blanket each and I wrapped the tenderloin in some plastic that was there. Put it in the backpack and took the remaining coffee we had. We started out. It didn't get dark in that country until somewhere around nine o'clock, 9:30 at night, at that time of the year. So we could get a full day's march in pretty good. The weather was good. On the second day, it began to spit a little snow. We had trouble seeing the sun, but enough that we weren't worried. That second night, a grizzly. We saw a little clump of, looked like cedar. I really couldn't tell if it was cedar or a juniper bush of some kind. It was only about that high and about 8 or 10 of them in this little circle. We went in there and camped for the night. I sleep like a log. A burglar could carry me right out of my house and I'd never know it. He started punching me in the ribs and I said, "Yep?" He said, "We have a visitor." Then I heard it. It was a grizzly moving around in those bushes—sounded just like a hog [makes hog sound]. Course we both had our rifles. I reached over and I got mine. I loaded it and I'm ready if we had to use it. He went away.

Next morning we looked and he had made about eight or ten circles around our little clump of spruce. Joe got up and he went to relieve himself and somehow during that he took his watch off. I guess in order to wash up in this creek, and he left it. His kids worked and saved their money and bought him this watch for his birthday. We

got about two hours out that morning and he said, "My God, I left my watch back there." He said, "Well, I've got to go back and get it. I'm sorry, but I gotta go back and get it." Well, it was spitting a little snow and I was concerned about the day. I thought, well, is there a storm coming up or what have you. I said, "Joe, I'll buy you a watch when you get into Anchorage." He said, "No. I gotta go get *that* watch." I said, "I'm not going to wait for you, I'm going with you. If it starts snowing and we get separated that's the worst thing that can happen. I'm going with you." We walked back to get his watch. Hell, we didn't go a hundred yards and that goddamn bear was following us. That son of a bitch was stalking us right in our tracks. Goddamn bear tracks was this long and that wide. Oh, brother. He was a good size and the son of a bitch was stalking us. He had gone off of our trail that's why we went about 100 yards before we picked up his tracks. He was off to the right of the trail. I guess he gave it up. But it spooked us the rest of the day, we kept walking and looking back. Got his watch and, of course, we lost about four hours.

The third day out was cold and clear. It was clear as a bell that day, but it was cold as hell, and uncomfortable even walking. About four o'clock that afternoon, Joe said, "Hey, we should have hit that lake." I said, "Well, I don't know." He said, "What do you think we've been doing—how many miles a day?" I said, "Well, I guess we been doing about twenty." He said, "Oh. Well the guide said he thought it was about sixty air miles." He said, "We should have hit it by now." I said, "I don't know. I don't think so." I said, "All right, I tell you what, we'll go two more hours before we decide what we're going to do." Joe said, "Well, did you ever think that it would be easy for us to miss it?" And I said, "Yeah."



He said, "Maybe we've missed it." I said, "I don't think we've reached it yet." He said, "Well, every two hours, you go south for an hour and I'll go north for an hour and then we'll come back and meet. In my opinion, we've either passed it or we are getting close to it and that way we won't miss it." I said, "All right."

I knew when we started out it was going to be a hit or miss proposition. So we started to do it. I walked my hour and I came back and he was sitting there. I said, "Well you walked pretty fast, huh?" He said, "I found the lake." He said, "It's about a quarter of a mile in this direction. It's right at the bottom of that ridge." We walked to the ridge and we looked down. It's absolutely amazing how you're on a ridge and you look down on a lake and how you can misestimate the distance. It looked like we were only 300 yards down from that lake. Shit, we must have been a half a mile away from it. We got down there and we walked around the lake before we got to the buildings. It began to get dark on us. I had already told Joe there was a caretaker there and that I didn't want to walk in on him there in the nighttime. We slept on the lake bank that night. And we were damn glad to do it. We had scored. I know that we were both doubting that we won't be able to pull it off. But by this time we knew we were goddamn lucky—we were damn near dead on.

We got up early the next morning and we walked down, and all we saw was two iron, corrugated buildings. That's all the buildings that were there. I said, "Well, hell, there's no damn caretaker here. But, we know one thing—there's a road in here. They're hauling ore out of here somewhere." He said, "Yeah." I said, "It will be quite easy to walk until we find a settlement or something." Joe said,

"Well, maybe there's a vehicle in one of these dumps." He said, "I don't understand this, I don't see no goddamn mine. But maybe there's a vehicle." The reason we didn't see any mine is because where we were was, hell, a quarter of a mile away from the mine. But he said, "I'm going to knock off this goddamn lock if I can find something and we'll look inside there." No windows in the buildings. I don't know what he found. I know that several things he found didn't work. Pieces of tin or iron were too fragile to do any good. Went back and he finally found an iron bar somewhere and he come back. The caretaker walked up around the corner and he says, "What are you guys doing?" We turned around, of course, we were damn happy to see him. We said, "Jesus Christ, we've walked all the way from Lincoln Lake!" He said, "The hell you have!" I said, "Yeah." I said, "We got marooned over there. The guy that was supposed to fly us out never came back." He said, "Who's that?" And I said, "Ralph," whatever his name was. He said, "Jesus Christ, he's as reliable as hell." He said, "Hell, I've seen a lot of goddamn planes around here. Maybe he crashed somewhere." He said, "He could have had some trouble and set down, or something, but I've seen a lot of planes flying and obviously looking for him, probably." He knew him well. He says, "Come on you guys. Are you hungry?" I said, "We're starving." He said, "Well, come on down to my place."

We went on down and it's the funniest thing I ever saw in my goddamn life. It was a building about as twice as long as this office [the office is 22 x 28] and about the same width, wood all around each wall to the ceiling. It was partitioned off. On one end was a gray horse. Big son of a bitch. One of those draft horses, in one end of

that building. And the other end was his living quarters. God, we ate like it was our last meal, the end of the world. He took us into a trader's store and the owner, Lowell Ford, drove us all the way into Atlin. They hadn't found Ralph yet. We drove from there into White Horse in the Yukon Territory. Talked to George Ezerdza. Ralph had shown up, the pilot had shown up. I think a day or two days after we flew out of there to White Horse. Goddamnest experience I ever had in my whole life. Joe never knew it, but about midway of the second day, I began to think, this ain't going to work. The odds are against us finding that damn lake. Because that day it began to get cold and it wasn't snowing hard but it was just like a mixture between ice and snow, just barely. The air was kind of full of it but barely coming down. I began to get scared. I never showed it, I'm not going to let him think that I'm scared. But obviously he was thinking the same thing because the next day he was the first one to mention that he'd thought we'd missed it.

*About what year was this?*

Oh, God. This was in the '60s.

*You said you had a hunting buddy that you went with all the time.*

There were three of us—yeah.

*P. L. Jefferson?*

P. L. Jefferson.

*He was from Las Vegas?*

Yeah. He owned the bar on the west side [Brown Derby]. He's a black guy, a good fella.

*What kind of work did Joe do?*

Joe was a rancher. A rancher and a miner, he worked in a lot of mines and ranched on the side. Or he ranched and worked in the wintertime in the mines. He worked in a lot of mines and around. I guess he worked at the test site too. Atlin Lake. Beautiful, beautiful lake. Outside of that, I think Tahoe was the most beautiful lake I ever saw in my life. But Atlin was a lake as almost as beautiful as any.

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## LAS VEGAS PERSONALITIES AND CASES

*[Conversation in progress]*

Benny Binion said, you gotta get up here [Montana]. So I went. I get into Niles City and he had a guy there with a helicopter, take me into his ranch. It was up near Jordan, Montana. I got in there, and I thought I had landed in the North Pole. I took a jacket just like I'm wearing today. I never realized how damn cold it was. The guy that picked me up, he was already out there in the helicopter, I guess, keeping it warm, keeping the motor from freezing. It was the only thing I could think of. Some guy told me where he was and I walked out and got in that thing. I was looking down and, God, I never saw so much snow in my whole life. I got in and it took me thirty minutes to take care of Benny. He said, "I'm going to have dinner pretty quick. The guy in the helicopter is in the house. Then you can get back out of here." I said, "No, we're through. I'll have dinner on the way somewhere. I want out of this country as fast as I can get out." It was seventeen below that day. I'll never forget it. I said to the guy when

we got back to the airport in Niles City, I said, "How cold is it?" He said, "Seventeen below."

There's a guy from Billings, Montana, he and another guy—two of them—drove down to Harrah, Oklahoma. They were in robbing the bank and a county sheriff decided he'd call it a night. He drove home and he had to go right by the bank. He saw a shadow and he drove back. These guys were just in the middle of working on the vault. He drove up and he shook the door. I think he drove on by and went and woke the banker up and got the key. Guess the banker didn't want to go with him. He opened the front door and he surprised them, and the one guy ran. He got out and got away. My client got caught by the sheriff who put a gun right to his head, and he took him out to the police car—sheriff's car. The sheriff had left it running and when he opened the door my client turned around and hit him in the head. Knocked him down, jumped in the police car and sped off. The sheriff jumped up and ran to the car. It was pulling out and the guy still had the door open, he hadn't closed the door. The sheriff ran his arm through the

window, he was hanging on and my client was racing full speed down the highway or street—I guess there's not many streets there in Oklahoma.

He couldn't shake the guy off, so finally he threw on the brakes and the sheriff went tumbling down the street. Of course, he was in the hospital three or four weeks. The guy escaped. He turned off on a country road and he drove, and he drove, and he drove. He didn't know where in the hell he was going, but he was getting away anyway and he passed a school. He drove on down the road about three miles and he hit a highway. He parked the car on the highway and ran through the woods and back about two or three miles to this school. It was in the nighttime. He found the attic and crawled up in the attic. At night, he'd go down and raid the cafeteria—there was always something left over in the cafeteria. He stayed up there five days. They're looking all over Oklahoma for three days for him—highway patrol and all the sheriffs were alerted. All they had was a description of him. Finally, he figured he could safely go, so he walked down the road and he come to a house. There was a pickup truck sitting there and he checked on it, and it had a key in it. He pushed it out into the street and started it so they wouldn't wake up, and he drove away. He drove into Oklahoma City. Drove to the parking lot of a Holiday Inn, parked the truck, wiped it down good and went to a truck station and had his first good meal. Just resting in the truck stop, he got a ride with a trucker and eventually got back hitchhiking into Billings [Montana].

Well, eventually the other guy got caught, and to make a deal with them, he named my client. He came into my office one day and I said, "Well, the sheriff identified you." He said, "Impossible. He never saw me in the light. The bank was dark as hell, it was darker than hell

outside. He's a damn liar." I said, "You really think so?" He said, "Yeah." I said, "All right, we're going to test him." He said, "What are we going to do?" I said, "You're going to go back to Oklahoma City."

I got Eddie LaRue. I told Eddie LaRue, I gotta find out when there's a special occasion when the sheriff will be present. He comes walking into my office one day and he handed me this report. It was a Fourth of July parade and everybody in Harrah went to it. I said, "All right." I got a photographer, and I sent my client back with the photographer to Harrah for the Fourth of July parade. I said, "You want to find the sheriff, and I want for you to go up and greet him and shake hands with him, and I want you to visit with him." I told the photographer, "I want about a dozen pictures of him with the sheriff." They got up there and they took some pictures with the sheriff. Boy, you talk about bombing the sheriff. He had testified, "I'll never forget him. I'll never forget what he looked like." I said, "Well, on the fourth of July in Harrah, when you met him there, why didn't you arrest him and put him in jail?" Oh, my client didn't make bail—the son of a bitch was a fugitive, but he'd been indicted. "Why didn't you arrest him?" He says, "Because I never saw him on the fourth of July." I said, "Oh, you never did?" He says, "No." I said, "Well, you claim you'll never forget him. Have you seen him anywhere since the time that he stole your police car?" He says, "Hell no I haven't seen him anywhere or I would have arrested him."

I started shoving those pictures at him and marking them as exhibits. I kept handing him pictures. "After laying the foundation, were you at the parade?" "Yeah." "Is this you and the defendant?" "Yes." "Is this you and the defendant?" "Yes." "Is this you and the defendant?" I got to about the eighth. The federal judge was Judge Bohannon. Bohannon

and I had worked on a case together before he got on the bench in Albuquerque, New Mexico—a criminal case. Anyway, the jury hung. In my closing argument I said to the jury—I really strung out that Arkansas accent and I mentioned being raised in Arkansas—“I’m an Arkansas boy.” That’s what they say down south, an Arkansas man or an Arkansas boy or a Texas boy. It was a hung jury. At the second trial, Bohannon looked right straight at me and said, “Ladies and Gentlemen, I will now introduce counsel to you, and this is Mr. Reed, Assistant U.S. Attorney.” He said, “The defense attorney here is Mr. Harry Claiborne, he is from Las Vegas, Nevada.” We had a conference in chambers eventually, and I said, “You rotten bastard.” He looked at me and he grinned and he said, “What, because I introduced you and where you were from?” I said, “That’s it.” He said, “I didn’t want you pulling that goddamned old Arkansas shit again.”

*What happened on the second trial?*

Acquitted him!

*How did you get involved in that case to begin with?*

I had tried a case in Kansas City with F. Lee Bailey. Empire Gas Company had hired two guys to blow up a competitor’s plants. They were the biggest LP gas company in the southwest, headquartered in St. Joe, Missouri. There was a guy that owned World Wide Detectives, at one time the biggest detective agency in the United States. He had about 1600 operators working for him. He was in Las Vegas, Nevada, and he had a friend of his that was somehow interested in a criminal case that I was trying. The guys both got interested in the case, and I guess they were

there the whole time. I didn’t recognize him because I wasn’t paying any attention as to who the hell the spectators were. When he got indicted, well, he called me. I represented he and the two guys who blew up the plants; F. Lee Bailey had the gas company president, they indicted him. They all were acquitted.

Interesting thing about it was F. Lee Bailey wrote a book, he wrote lots of books, but he wrote one book on the art of cross-examination. In his book, he didn’t take credit for the cross-examination, but he printed my cross-examination of a witness named [Alfred Earl] Harflinger. He didn’t give me credit for it. He didn’t credit himself with it but left the impression that it was his cross-examination. After the case was over, somebody handed me the book. I think John Moran was working for me at that time, I think it was John. I read it. I come across the cross-examination and I thought shit, that’s my cross-examination of Harflinger. The next time I saw Bailey, I said, “What goes with you? You print my cross-examination of Harflinger but you don’t give me credit for it. The implication is, that it was your cross-examination.” He said, “It didn’t say that.” I said, “Oh I know it didn’t say that.” He laughed and he said, “Well. I tell you what you do Harry, sue me.”

*What year was this?*

Oh God, I don’t know. I don’t remember what year it was. But it would have been the late sixties. [trial began March, 1973]

*What are your impressions of Bailey as a trial lawyer? He was a young guy at that time.*

It’s not very becoming to anybody to give themselves credit for something, but I won the case on cross-examination. If I had one thing that I would say was responsible for winning,

was cross-examination. I don't mind bragging about it, and I don't mind saying that I don't think there was anybody around more adept at cross-examination than me.

He was just married. He did good, he did a credible job, but not a great job. Not what I expected. I had a lot of trouble conferring with him during the trial because he brought his wife there—his new bride—and he spent nearly all of his time with her. He just left no opportunity. He had just bought a helicopter company and they'd fly out of there on Friday when we could very well use Saturday and Sunday to work on the case, which I did. But I worked with a young lawyer that was with him named DeMarco, and DeMarco would type him a summary of everything. He became so dependent upon his memos from DeMarco, it was easy for me to tell what was going on. He was, away from the memos, lost. Frankly, he just had not worked in preparation for the case very much if at all. He did a horrible thing that just absolutely shocked me. With about 150 of the jury venire in the courtroom, he came in, just before the judge took the bench, and he and his wife were wearing matching fur coats. She sat down in the first row. They took off their fur coats, handed them to DeMarco, and he goes over and finds a coat stand and hangs them. Well, I'm working the case with an Oklahoma lawyer by the name of Hanlon. He was very, very good. He turned to me and he said, "We've got to make out like we don't know him." I was shocked, and I thought, Oh Jesus. I thought this really is a dumb bastard. He was all show. I like him personally. In the little time that I had to socialize with him, he's a very charming man. He hooked up in so many legal arguments with the judge that by the time it went to the jury, the judge absolutely hated him. You could tell that. For instance, one thing happened. He was arguing some motion and

I don't know what it was, during the trial, an evidentiary motion. The judge [John C. Oliver] set him down and said, "Mr. Bailey, sit down." He had shock written all over him and finally he sat down. The Judge looked at me and said, "Mr. Claiborne, do you want to be heard on this motion?" I said, "Yes." I got up and argued the motion and the judge listened to me; he denied it, of course, it was a meritorious motion. I really was shocked when the jury acquitted his client. I thought, before the case was two days over, that I had it in my hand with my client. I thought, well, the jury is so tired of this showboating, that the president was going down the tube. But the jury didn't, they acquitted all three of them.

*Have you seen Bailey since then?*

Yes. I saw him. I've seen him twice since then. I liked him. I saw enough of him to know that I could understand why he had such a good reputation. I saw enough of him to know that he is a very, very good lawyer, but he was not good in that case. In fact, he was terrible in that case. But his wife was there every day and he was showboating for her effect, the young bride.

*Let's talk a little bit about cross-examinations. What did you do that you felt made a good cross-examination, how did you approach it?*

Well, I used to brag that I could break any witness. It wasn't just getting up and cross-examining on the testimony. In preparing criminal cases, I did it laboriously; any of the lawyers who ever worked for me will vouch for this. Nobody put in as much work on a case as I did, nobody. I developed a technique that always worked for me. It wasn't hard to pick out the witnesses upon which the prosecution rested in their case; generally,



no more than two. I would concentrate on those two witnesses in my preparation. Find everything that I could find that was inconsistent with their testimony. When it come my time to cross-examine, I could generally bury them with inconsistencies. In criminal cases, early, I found out how really inaccurate witnesses are as far as the actual crime scene was concerned. I used to go to the crime scene, if it was a murder at a corner, I'd go and I'd sit down and I would study the whole area. I mean not just observe it but study every feature of the whole area. Nine times out of ten the witnesses would mis-describe the area. A lot of time, very material witnesses to the crime could not possibly see what they thought they saw. Eyeball witnesses are the easiest witness to discredit, that is, identification of people. Very seldom does a witness accurately describe a defendant. They all make him much shorter than he is, or much taller than he is, they'll mis-describe his weight and his build, even the color of his hair. I learned that as a cop.

I guess I first became aware of it when I was working as a cop with Bruce Woofter, he was the uncle of Roy Woofter who, and it was operated by two ladies. At one time it had been a dwelling house and they converted it into a restaurant with home-cooked food and the food was excellent. A guy came in, and he robbed them and he ran. They called the police department and we got a radio description of the defendant. We saw this guy walking down the street and he looked at us as we drove by, and he turned his head. B. J. [Hanlon], who was later on the captain of the detectives, I guess for fifteen years, was a veteran cop at that time. He turned around to me and I'm riding shotgun, and he said, "Did you see that guy?" I said, "Yeah." He said, "Did you see him turn his head when

he saw it was a police car?" I said, "Yeah." He said, "That's probably our robber." We drove around the block, come back up beside him and I got out and brought him to the car. He said, "What are you picking me up for?" I said, "Suspicion of robbery." He said, "I ain't robbed anybody."

Well, in those days, we didn't have line-ups. I'm talking about in 1946. We took him down, took him out of the car and B. J. stood with him and I went in. The two ladies were sisters. I said, "Now, we have a man out here that may or may not be your robber. I'd like for you to come out and take a look." He held him aside the police car and I walked out with them on the front porch of the restaurant and they said, "Yeah, he's still wearing. Yes, he is wearing, yeah." They said, "That's him." I said, "Which one?" She said, "The one with the yellow shirt on." This guy was wearing a white t-shirt. B. J. Hanlon was wearing a yellow shirt, short-sleeved shirt. I said, "Well, now, are you saying the man on the right?" She said, "Yes." I said, "Not the man on the left?" She said, "Oh no, the guy on the right, that's him." I went back and I got the guy back in the car and I said, "Drive back to where we picked this guy up, he's not the guy." We let him out of the car up on Main Street, told him to go his way. After we got him out of the car B. J. said, "They couldn't identify him, huh?" I said, "Oh yeah, they identified the robber." He said, "Well, why did we turn him lose for?" I said, "Because they identified you." Well, I had another occasion in federal court where Tom O'Donnell had a co-defendant. The U.S. Attorney said, "All right do you see," he's talking about my client, "do you see him anywhere in the courtroom?" He said, "Oh, yes." He said, "All right would you point him out? And he said, "The guy there sitting second from the left." It was O'Donnell.

*So you don't put a lot of credibility on eyewitnesses.*

It's amazing that, invariably, they are incorrect in some aspect. A lot of times in not a case-turning aspect, on what you would call would be material matters. But always wrong in some area, always invariably wrong. You could take three guys who saw the same thing, even a traffic accident on a street corner, and they will all three give different versions of the accident. It's amazing, it really is. I don't know why people are that way, but I've had a lot of witnesses who said, "I'll never forget him, I'll never forget his face" when it really wasn't him.

*When you cross-examined a witness, and I understand this would differ on the attitude of the witness, were you ever concerned about being overly aggressive for fear that it would turn the jury off?*

Yes. Oh yes. I learned that very early in the D.A.'s office.

*Tell me about that.*

I'm trying a case with Herb Jones. There's one witness that I figured we had to destroy and I said, "I'll get him Herb." I took him over about one o'clock and I went until about 2:30, and then I began to hammer him and hammer him good. About 3:30 he stood up in the witness box, and he stepped down, and he began to turn around like this, and fell right in front of me. He had an epileptic fit. I had a cousin that had epilepsy and he'd have those fits every once in a while. He'd fall and roll over. I saw him froth at the mouth. I was horrified because I knew, God Almighty, the jury's going to hate me. I knew I had to do something. Margaret Henson was the court

reporter. I looked over right quick and I saw a ruler on her desk and I grabbed it and I put it in his mouth right quick. I went right over him so nobody else could get to him and I began to work on him. I didn't know shit about CPR; I had never heard of CPR. I didn't know what the hell I was doing, but I had had some military training. I was pumping the guys chest, and I was over him, I knew I had to salvage something. Later on, I was amazed at how quick I thought of what to do. It saved me. We got the guy convicted. I think they would have acquitted the goddamned guy after that if I hadn't done something. Jesus! So I figured, be strong, be firm, keep your voice down, but keep at it.

I had a murder case in Ely where I kept him on so long—don't give the witness time to think what his answer should be. Keep pressing him at the speed that he can't, not give him time to think, and I had this witness on goddamned all afternoon. I saw perspiration breaking out on him. I knew right then, well, I have him now. I began to very gently say now you could be wrong, right? He wanted off the witness stand so bad, he said "Yes." That's all I wanted—reasonable doubt.

*Did you on occasion waive cross-examination of witnesses?*

Oh yeah. Oh yeah.

*You think you can get into trouble by cross-examining these guys?*

Oh yeah. Oh yeah. You see, I have never seen yet but one guy that really ever scored with an expert witness, because absolutely, you are invading a knowledge that the witness has acquired over a lifetime. Boil it down; he's smarter than you. He knows his subject matter much better than you do and you're not going

to accomplish anything from him. You give the expert witness an opportunity to enhance his testimony and to broaden it. Effective experts know exactly when to lecture and when not to. They get in a lot of real damaging information that ordinarily the jury wouldn't hear in answer to your question.

I always found the best thing to do with expert witnesses is just develop who's paying him, how much he's getting, who contacted him, and do a little few things with his credentials and leave him the hell alone. If you got an expert witness, counteract him with your own expert. The best job of cross-examining an expert witness was done in the Ted Binion murder case by David Wall [district attorney's office]. I couldn't watch it during the trial because I was a witness. They stipulated that I didn't have to even get on the witness stand. It was all over whether Ted Binion ever wore a watch. The expert said that those were not restraints on his wrists, those marks, were from his watch. Ted Binion never wore a watch in his life.

*And that was going to be your testimony?*

Yeah. I knew him better than anybody in that trial. They stipulated to it and I didn't have to get up there after they called me over there. I sat for an hour and a half out in the hallway. I didn't get to see the trial but Tom Dillard, the investigator, taped it. When I went down for the summer in my condo on Solano Beach, I took the tape with me and I watched the whole trial on the tape. Well, most of it. I watched this cross-examination of their expert and, man, he made a corroborating witness out of the [defendant's] expert. It was the best cross-examination of an expert witness I think I have ever seen. Didn't let him lecture.

*That wasn't Dr. Michael Baden, was it?*

No. Baden was the prosecution's expert—this guy was named Wyeth. He was very well known. Very well known; almost as prominent in that field as Baden. He just ruined him. Afterwards, I made a special trip. I went up to the D.A.'s office and tell him so. You see, most lawyers in cross-examination just give the jury an opportunity to hear his testimony twice. I have seen more of it when I got on the bench than I ever saw anywhere else. Now, you told us such and such, right? Yes, such and such. Now the jury's heard it twice. And then you did such and such, is that right? Yes. The jury's heard it again. That's ridiculous. Anybody with a law license should know better than that but you'd be absolutely shocked at the number of lawyers who do that. For instance, Mort Galane had a very good reputation as a civil trial lawyer. He was the worst cross-examiner I ever saw. Jesus, he was terrible. His attitude. You got to be respectful of the witness. You got to, all times, keep steadily in your mind that this case may depend on your demeanor, not the witnesses demeanor. There is one thing I've found out, fifty-six years ago. You would think ordinarily that if you fight with the judge, that it would turn the jury against you. You can't be disrespectful, but you can challenge him right and left, if it begins to look like the judge is not being fair to you. It's easy to do that. It was easy for me to do that. I did a lot of things in the courtroom that, really, as far as the judge is concerned, I'm not really proud of. But, I did a lot of things that were half-done in self-defense. I tried a lot of cases in Reno. My God, I was successful in Reno and I don't know why Reno juries like me, I guess.

The first one was a murder case the first time I was ever in Judge Maestretti's court. He took the bench, and he said to me, "I know all about your reputation and I want you to know, right now, you're not going to get away with

any of those cunning tricks in my courtroom. You're not going to take charge of this trial. I'm the judge. I know all about you. And I'm going to tell you right now you're not going to get by with all of those things you do in a courtroom." I looked at him and I said, "Judge I'm going to make a deal with you." I said, "You just forget about all those derogatory things you've heard about me and I'm going to forget about all the derogatory things these lawyers around here have told me about you. We're going to start even." His face got beet red. I had rather try a case before Judge Maestretti than any judge in the state of Nevada. He was a goddamned good judge and he was fair to both sides. We got off on the right foot. I don't know what all stories he'd heard and I guess whatever he'd heard was true.

*A lot of times the lawyers will bait the judge to try to get the judge to come down on them in front of the jury, and that's a fairly common tactic. When you were on the bench, I'm sure that you saw that. What would you do or how would you try to counteract that?*

Well, I'll tell you what I did on the bench. I halted the defense attorney, and I said, "Come up here. Now, let me tell you something. I wrote the book on this kind of shit, now knock it off." And he did. I mean that's the way I handled it, out of the presence of the jury. It's easy for a judge not to be baited because it's easy to stop. I never had to respond to it many times when I was on the bench. Particularly in criminal cases, all the lawyers knew me real well. I guess I had a lot of respect. But it's alarming at the number of judges who had absolutely no concept of the rules of evidence. Very seldom does the supreme court ever reverse on evidentiary errors. But the judge, who does not know, can damage your case more than your adversary

by not knowing. That's why the worst thing in the world is to try a case against a lawyer who doesn't know what the hell he's doing. I always welcomed the best. Always welcomed them, and was lethal when I saw a judge on my case that I knew was knowledgeable, and was a damn good judge. But, there's a lot of jurist errors.

*From time to time you have situations where judge's comment on either the evidence, the credibility of a witness, or various aspects of the case in front of the jury. As a trial lawyer, what did you do when that occurred? How did you deal with that?*

Well, I had a good example. I was trying a case. In my closing argument, I had the judge say, "Hold it. The witness did not say that and you know he didn't say that." I said, "I request, not only request but I demand a read back," and he has to do it. And the jury's sitting there looking at me like this. He said, "Well we're going to have the read back in my chambers." I said, "No, we're not. This has occurred before the jury and we're going to have the read back before the jury." He said, "Very well." He said to the court reporter, "Find the testimony" and we had a read back. I knew I was right. The read back proved it. He said, "Well, I was wrong." I said to him, "That isn't good enough your Honor. I request an apology" and he said, "That's in order and I apologize for wrongfully accusing you."

*Was that Judge [Jack] Lehman?*

[nods yes] I've had other instances. I guess that's the one that's freshest in my mind. And it happens and it happens a lot. You would think, that maybe, that most happened to young judges who are recently on the bench, but it doesn't ordinarily happen

with new judges. Because they're not sure of themselves and they're tiptoeing at all times and ordinarily they are not sure who's right and who's wrong and ordinarily not aware that what is occurring is wrong. The longer, it seems, that most judges are on the bench, the more disgruntled they get. It is impatience more than anything else. They get impatient with the length of direct examination—with the length of cross-examination. They get impatient with delays; they seem overwhelmed with a desire to get the case over. New judges will let everybody go on and on and on. In other words they'll let you try your case, and not only the case, but the fringes.

*Do you think that impatience is something that is more recent because of the more crowded dockets or did you see that in the days when you practiced?*

I think that's the core of it. But there's always been those—actually a minority of judges—but there's always been a lot of them out there that are really terrorists on the bench. The worst that I ever saw was a good friend of mine, I worked a lot of cases with him, Jack Ross in Carson City. I worked a murder case with him and several other cases. I never went to Carson City that I didn't make a social call, went to either lunch or dinner with him countless times. In a case, he brutalized me, absolutely brutalized me, and I was shocked, absolutely shocked. I told him afterwards. I won the goddamned case and I may have won it because of him. I told him, also, that I resented it. He looked at me and he said, "Listen Harry, you're not getting thin-skinned on me are you?"

*Think he did that to try to overcome any allegations of bias because you were friends?*

No, he just did everybody that way. He just did everybody that way. He seemed always to pick out one lawyer on the case and ride him the whole trial.

*Have you seen situations where, when a judge will ride a lawyer like that, that the jury will feel some empathy towards the lawyer and rule for him?*

Oh yeah. It invariably works out that way. That's why I said at first, don't be afraid to stand your ground and fight with the judge if it's apparent the judge is going to ride you. You can counteract it then by being super nice and say, "Your Honor this is important to my case," in a real nice way. Then after you have been the nice guy, be Mr. Prick to him.

*Let's talk about a couple of people around that you were friendly with. Let's talk about Mike Hines. How did you run into Mike and what was your relationship with Mike?*

He and John Mowbray walked into my office one day and asked if they could talk to me. Of course, I said, sure. They explained that they were recent graduates from Notre Dame Law School and gave me some background and said that they had just come from Elko and they had talked to Grant Sawyer. Grant Sawyer advised them to come down to Las Vegas, that'd be a good place to practice. That's true, that's what they told me.

*What year do you think we're talking about?*

Maybe '49 or '50 or '51, somewhere in there [1949]. I said, "Yeah, this would be a good place for you to start." Then we began to see that sudden migration from the whole world to Las Vegas, and I said, "This city is beginning to burst at the seams and it's going



to be a good place to start.” The day before that, Major Sweeney who owned Pioneer Escrow Company—it was the only one in town—I met Maj on the street, and we stopped and visited for a few minutes. He said, “I’m looking for a title researcher. Do you know anybody that would like to do that kind of work? It doesn’t have to be a lawyer, could be somebody with some legal experience.” I said, “Maj, I don’t know a soul.” The next day these guys walk in. They still had a year’s residence to take the bar. I said, “You know you gotta stay here a year before you take the bar.” They said, “Yeah,” they knew that. I said, “I tell you what I’ll do. I met a guy yesterday who runs a title company and he’s looking for a title examiner.” Now I said, “One of you can go to work for him, I’m sure, and I’ll hire the other one, whichever one. You work it out among yourselves, as a law clerk.” They decided that Mowbray would go to the title company and that Mike would go to work for me. I have often said, the biggest mistake I made in my life, despite my four marriages and four divorces, was sending John Mowbray to that title company for a job, cause that meant he stayed. The only talent John Mowbray ever had was he could sing. Anyway, Mike went to work for me as a law clerk, he passed the bar, which by then shocked me. Both of them passed, and he stayed on with me for about a year after that working for me. At that time, I was a cowboy and I was into horses and I was into roping and everything else with the Lambs and the Stewarts and got Mike started in it. He became, what he thought, was a rodeo cowboy. He wore a cowboy hat all the time. He was a great guy, Mike Hines. He was a great guy.

*Where was Mike from?*

He was from Indiana. Both of them were.

*You think he’d been around horses before coming out here?*

No. He was raised on a farm and the only horses he’d been around would have been work stock. He got started with me. He’d come over to visit me and he got to riding around with me and he got into the thing and pretty soon he’s buying horses and saddles and what have you.

*He stayed with you only about a year then?*

Maybe a year-and-a-half.

*And then he just opened his own office?*

Yes.

*What was the reason for that, as opposed to just staying together with you?*

I like to think of myself as a nice guy. Leave it at this: he wasn’t what you would call a great producer.

*Of course, he had that ranch over on Sahara and Decatur.*

Oh, yes, and a small zoo. Every year, that’s where we celebrated admission to the bar, new admittees. It was tradition until they got so many lawyers that they couldn’t have it there. He was a kind-hearted guy and a lovely person. He really was. He just, in his private practice, overloaded himself and he became deficient in a lot of areas as far as the practice of law is concerned. He couldn’t keep up, but everybody liked him.

*I think in later years, he mostly did divorces and misdemeanors, didn’t he?*



Yeah. Well that was nearly true his whole career. After he left me, I don't remember him ever participating in a major trial of any kind.

*Didn't he get killed out at his ranch? Thrown off a horse?*

Well, what happened was he got so big, so heavy. He led this horse out and saddled him and threw the reins over the horse's neck and he reached up and got the saddle horn and he started to pull himself up. He hadn't fastened the girth tight enough on the horse, which is very common. A horse will swell up when you start to fasten the girth and you have to ride him maybe 200 yards and jump off and tighten it. He pulled the saddle sideways and fell backwards and his head hit a rock about this big around—which was the only goddamned rock for about 300 yards of this place.

*About the size of a football?*

Yeah. I guess that he had a brain hematoma. By the time he reached the hospital, he was dead. I was very, very friendly with him, always. We parted very good friends, and I was at his house frequently and he at mine. His accidental death was painful to me.

*He was a well-liked guy in the bar.*

He really was. He was liked by everybody. I don't think Mike Hines had one single enemy. He had just passed the bar. I was trying a case. I don't know who was the D.A., Roger Foley, I guess. Yeah. John Mowbray was the Assistant D.A. A guy by the name of [Floyd] "Tex" Young was a cop [*Review-Journal*, May 11, 1962]. Then, the probation officer was a policeman—regular policeman. The coroner

was the sheriff. So, no policeman was ever wrong, who beat up a guy and killed him. Anyway, a girl in Boulder City ran off from home and they picked her up about three days later. The cops came and they took her and turned her over to Tex. Tex took her to the juvenile officer, and on the way the little girl claimed that he molested her. Well, Mowbray and Foley went absolutely wild. That was the worst crime you could ever commit, far worse than murder. To them, murder was a misdemeanor compared to molestation. I had worked as a cop with Tex and, of course, he ran to me. I represented him *pro bono*, for free—I had to be a comrade. Every time I went to talk to the D.A. about the case they just went wild. In getting ready, in preparation I went out to see the parents. I always did that. The prosecution has to list the witnesses. That was the only discovery in those days. The rest you had to dig out yourself. I never tried a case in my life that I didn't go personally and interview every single witness that was listed on the indictment or information.

By the time I went to trial, I knew more about the goddamned case than the prosecution knew because they were depending upon reports from the police department and interviews from the police department. I went out to talk to the parents. Immediately the mother said, "I'm sure this police officer did not do that." I began to warm up to the visit. I found out that two years before, while Bob Jones was the D.A. that she had gone to the Boulder [City] Police Department and claimed her father had molested her. They didn't ask the D.A.'s office to prosecute. Something that Foley and Mowbray, I figured, must have known, but they didn't. Now, they gave me the name of the police officer in Boulder that investigated it and I went to talk to him. Then the mother

said that she is a habitual liar. She told me, she said, "She couldn't tell the truth if it helped her." I went to talk to the cop in Boulder City and he said, "Hey, I don't know anything about this happening." He says, "Has it been in the paper?" I said, "Yeah." He says, "My God, I'm glad you came to see me." He said, "She was in her class at school and she climbed up on the top of her desk and she brought out a bottle which had the crossbones on it, the skull and crossbones with poison written on the label and swallowed the contents and fell faint into the aisle. They rushed her to the hospital and I talked to Dr. French, later, and he verified it." He said, "Dr. French pumped her stomach and they found the contents of her stomach, when they analyzed, it was grapefruit juice." Well, I went up and talked to French. French verified the whole thing. I went and talked to the teacher. When this happened the teacher became hysterical and ran out of the schoolhouse, left her on the floor. Now I'm armed, you know, you can imagine. I went over to the D.A.'s office I said, "Let me tell you something, not only am I going to bury you in the courtroom, I'm going to embarrass you very much." I said, "Now, I want to tell you what I have found out." And I told them. Roger said, "Well, this is John's case, whatever you want to do, John, is OK with me. Mowbray said, "I believe the girl and that rotten bastard needs putting away and I'm going to put him away." I said, "Well, John, you better think about this." I said, "You think about it, investigate what I've told you and give me a buzz." I said, "You're too smart." Which I was wrong, I should have said you're supposed to be too smart. I never heard from him until about three or four days before the trial. I called him because I hadn't heard from him. He said, "Just get your phony witnesses in the courtroom." I said, "That I will do." Boy, you can't believe how I riddled that son of a

bitch. I couldn't believe we'd go to trial with all of that stuff. After I left Boulder City, and before I went to trial I picked up some other stuff from schoolmates. The one girl used to visit the house. This I hadn't told the D.A. but it happened after I had made my visit.

Years ago they used to have these little porno books, I don't know if you ever saw one or not—little books about this wide and about that thick [couple of inches]. It was all porno of people in different positions and naked photos of men and women. They were about that thick and they had maybe twenty little pictures in there. This one girl that used to visit her spent the night with her a lot. She told me that she had this porno book and one night she pulled it out from underneath the mattress in her room and they went through it together. I called her too. Of course, Tex was acquitted. I never will forget this goofy bastard, after it was over. Come up to me when Tex and I were walking out of the courtroom, shook his finger in Tex's face and said, "God will exact vengeance on you, wait and see."

*Mowbray said this?*

Mowbray said that! I said to Mowbray, "You stupid son of a bitch" and walked away.

*What kind of evidence did they have to repute that?*

The girl.

*That's what they were relying on?*

They were relying on the girl and what the girl said down at juvenile hall, which then was a little old three-room building. They put her on the stand, a juvenile officer down there, and Dr. Cherry, who examined her, said she showed some signs. She had claimed he put

his finger in her vagina. It showed signs of where she was scratched or some evidence that she had been invaded. That was the three witnesses. God, I rolled these people on and on and [Judge] Frank McNamee began to look at me and look at them. When he went into his chambers I had walked out, and he'd walked out of the chambers for lunch and he looks over at me and [makes some gesture]. The judge! You know? My God.

When Mike [Hines] first went to work for me, it was the first thing he'd ever handled. He'd just been sworn in. Had a party for him and about two days later, I'm trying the Tex Young case. We're in the middle of it. I had a case over in Bert Henderson's court, this guy's divorce case. I had called him up and told him to come into the office, so he came in. I came in about 5:30 [p.m.] and he was sitting in the waiting room and I called him into the office and I said, "Hey, I'm still going in this case. I got to get a continuance in your case." It was a contested divorce case, and a nasty one. He said, "No. I got to go to trial. It's impossible." He said, "I got a job in Arabia, I have to leave the middle of next week. They've already sent me my ticket and my traveling expenses." I said, "I can't help you. No way can I end this trial and get this case on the calendar for the middle of next week, if I would end it tomorrow." I said, "I have a lawyer that just passed the bar and has never tried a case in his life." I said, "Now, if you want to go to trial with him that's fine with me." He said, "That's fine. Hell yes." I said, "All right, remember this. This guy's never tried a case in his life." He said, "I understand that but I've got to go to trial." I said, "OK."

I called Mike in the office and I had Ruby bring the file in. I handed him the file and I said get in there and work with this guy. You're going to try this case. His mouth flew open. I said, "He wants you to try this case." Mike

said, "He wants me?" and I said, "Yes." He said, "OK, come on out." They go in Mike's office and I guess they worked on the case until the end of the night. Went to the trial the next day and Bert Henderson took his pants off. I came in from court and he said, "I want to appeal. I want you to take an appeal." I said, "All right." But I said, "Understand this, it'll cost you." He said, "What is it going to cost me?" I said, "Well, transcript's going to run about \$200." Can you imagine getting a transcript for \$200? I said, "I'm going to have to have \$2,000. I'm not going to take an appeal for any less than \$2,000." He said, "All right, I'll send you the money. I said, "You have twenty days to appeal and you're going to have to send me the money in ten days." Hell, I could write an appeal in a divorce case within two hours. Anyhow, I said, "You sure you want an appeal?" The guy said, "Yeah." I said, "All right you got ten-days time limit. If I don't have the money by then I'm not going to do it." He said, "OK, I understand that."

I never heard from the guy for two years. Then one day, he called me up and said, "How did my appeal come out?" I said, "Oh, shit." Then he begins to visit my office when I wasn't there and tell everybody that was waiting, if there was any, that I was a crook and that I was a liar and a sorry lawyer. This started going on at least once a month. Well, once I came in and Ruby, my secretary, was crying. This guy had so abused her and me. Of course Mike is gone by this time. One day I come from the court, he knew when I'd be absent. But something happened, maybe I continued the case or something in the middle of the trial, or something happened and I got out early. So I came back. Between my offices and Oscar Bryan's office was a stairway down to the street, and it was a three-platform stairway. Oscar Bryan and Cal Cory had the offices right across the stairway from my office.

As I came up the stairs, I heard this guy and by the time I got there, I'm red hot. He had his back to me when I walked into the door and I just set my briefcase down and I grabbed the son of a bitch by the collar and the seat of his pants, I dragged him out of my office and tossed him down the stairs. Then, I looked, and at the end of the stairway the door was glass, all glass. I thought, "Oh my Jesus, I had done it." In the quick few seconds this happened, I became aware of this. On the steps is Oscar Bryan with his briefcase and here comes this guy bouncing off of these platforms and Oscar backed up against the wall. The guy hit the glass door, bounced back, flat on his back. Didn't break the glass, thank God, because it would have cut him all to pieces. Oscar looked up at me and he looked at the guy and he says, "Safe!"

Boy, I never was so relieved. Then I go down, I'm going to help the guy. He sees me coming down the stairs and he ran out the door. I went out the door and I saw him running down the street and I know he's headed for the police department. Archie Wills was working desk. I ran up and I called Archie. I didn't know who was on the desk, it didn't make any difference, whoever it was I was going to talk to them. I said, "Archie, I just threw a guy out of my office and down the stairway. I don't think he's hurt. Maybe he is, I don't know. He's coming down and he's reporting me to the department, I'm sure of that." Archie said, "OK, OK, Arkie," he always called me Arkie, "OK Arkie, we'll handle the situation."

Well, he did not show up to the police department. About a year after that, I'm living over on Rancho and it's nighttime when I got home and I drove into my garage. I reached over for the button to close the garage door and this voice out of the dark garage said, "Harry." I recognized his voice. I flipped the light on right quick and I saw him standing

there and I saw he had no weapon. I was scared out of my hide when I heard his voice and I thought this son of a bitch is going to kill me right here. He's going to shoot me. Then I saw he wasn't armed. You can't imagine how quick I got brave. I said, "You son of a bitch, you come at night in my garage!" I started for him and he ran down my driveway. The next day in the office he said, "I wasn't there to hurt you I was there to apologize for all the things I did, goddamn it." I said, "I accept your apology." You can't believe how quick the coward became brave!

*Was that the last time you saw him?*

The last time I saw him!

*Let's talk about another friend of yours—Tom O'Donnell.*

I met Tom before he got his license. He went to work as a law clerk for Bill Compton and I met him. He was a good friend of George Foley's and John Mendoza—my drinking buddies. That's where I met him. I met him in a bar and that's where our friendship started and then we became wonderful friends, very close.

*Did you ever practice law with Tom?*

Not with him, but I tried some cases with him.

*When he was in the D.A.'s office?*

No. No. When he was in private practice. Before, he went on the bench, he was in private practice with Foley and Mendoza.

*Was he in the district attorney's office at any time?*

Yes, he was. But I don't know what period of time. I know he was. In fact, he was there when George Foley was D.A. I tried some criminal cases with him. Not many, maybe three, four. He was a good lawyer and very knowledgeable. Terrible temperament on the bench and the most wonderful guy to be with you've ever seen in your life. Talk about a transition. I never could understand it.

*Did you ever try any cases in his courtroom?*

Yeah.

*Did he treat you . . .*

As bad as he treated everybody else. I want to tell you about Tom O'Donnell but I'm kind of reluctant. I had the first porno case, I guess, in Nevada. Now I'm representing this guy that had those porno machines that you put a quarter in and you got three seconds of a porno act. Now, we were getting ready to go to trial. I'm talking to the guy in the office. [Sidney R.] Whitmore was the city attorney and he had alleged six porno pictures. Whatever you want to call them. They're called porno movies and they were named. I said, "OK. I want you to get those six and bring them into my office. I want to look at each and every one of them. I'm not about to go to trial without seeing them." He brought a machine in and the six movies. He and I were sitting there and he was putting one in the machine and I watched it. It was simulation. Watched the second one. Same way. Simulation again. I watched the third one. Simulation! I said, "Christ, are they all simulation?" He said, "Yeah." I said, "Well, good God." So I went to trial. They darkened the jury room—they only had one then—darkened the jury room and they're playing. Whitmore's on O'Donnell's left and I was

on O'Donnell's right. They put one of them on. I'm looking at the screen and I poked O'Donnell in the ribs and I said, "Simulation." Put the second one on—simulation. Put the third one on—simulation. Then I leaned my head back against the wall, they're all the same way, you know. I'm resting my head and he punched me in the ribs, and he said, "Simulation eh?" I reached up and here was a guy screwing a pig. [laughter] I damned near fainted. Simulation, eh? It was the real thing, this guy having intercourse with this pig.

*The moral to that story is you should have watched all six of them?*

That taught me a lesson, I'll tell you that. Never take anything for granted, by golly.

*How long was O'Donnell on the bench?*

I don't know, fifteen years, maybe.

*Did he ever run for the supreme court or have aspirations for anything like that?*

Yes, one time. He never ran for it. Somebody resigned or died, it might have been Frank McNamee, I don't know. I think it was. Frank got beaten insensibly and was never able to go back on the bench. In fact, I don't know how in the hell he could resign. I went to see him when he was out at one of those care units. He didn't know where in the hell he was, or who he was, or where he was. But I think that's when Tom made application and, I don't know, somebody else was appointed. I know who was appointed, the guy from up in Douglas County [David Zenoff].

But anyway, he made application when there was a vacancy on the supreme court but he wasn't selected.



*Did your acquaintance of John Mendoza go back to that same era?*

Oh yeah.

*Now, he was in the D.A.'s office, I think, too wasn't he?*

He was the D.A. once.

*Did you try any cases with him?*

Yeah. John Mendoza was another guy that was outrageously abusive to lawyers and that got him defeated. The lawyers almost en masse went out campaigning against him. Good man, brilliant. Brilliant mind.

*That must have been some law office with Mendoza, Foley and O'Donnell.*

Don't you know it was. Wonder who was going to be sober the next day.

*How long do you think those three stayed together?*

Three or four years. Yeah. And then Charley Garner became a partner of Foley's and Mendoza's. He was a kick.

*Emily Wanderer. When did you first meet her do you think?*

I guess maybe it would have been '47, '48, or '49, in there, when she first came here from New York. She was something else.

*She came in at a time when there were very few women in the bar.*

I think there was only one at that time. Nelle Price. Nelle Price wanted to be a

district judge and she ran every election and was never elected. The last time she ran she had been, at that time, married and divorced five times. I had been married and divorced three times. She came into my office and said, "I'm going to run for district judge again." I told her I'm committed already. I'm sorry Nelle. And she looked at me, and she said, "You've never liked me, have you Harry." I said, "Nelle I love you. I don't want anything to ever happen to you because then I'll be the most married and divorced lawyer in the community." She stormed out of my office.

*OK. We're up to about 1950.*

I'm telling you, I may die on you! You may sew this thing up with, "Old Claiborne passed away last night. End of history."

*[New conversation in progress]*

I've had a condo in Solano Beach, God knows, for years. I bought my condo when it only cost \$100,000, right on the beach. Now condos are running \$540,000. A guy sold the one next to me for \$560,000. It's a very small little beach town with a population of only about 25,000—right next to Delmar, a block and a half from the track. That's why I bought it. I was down there at the races years and years ago. I ran horses, you know. I had a bunch of horses and then pretty soon, I realized I was working for them and I started getting rid of them.

*Did you have that horse with Mike Hines that ran backwards at the Kentucky Derby?*

No. No.

*Tell me that story. I've heard versions of that.*



“One Eyed Sam” or “One Eyed Joe” [“One-Eyed Tom”] or something like that. The horse had some big race in Australia, and the horse ran real good. Came in either second or third. Old Mike, in fact, borrowed some of the money from me. I don’t know what the declaration fee was in the Kentucky Derby, but then, probably \$50,000. You can declare a colt when he’s two years old up at the Derby, or the Belmont, or the Preakness. But then, of course, the horse has to qualify, generally. It looks like now they don’t have to, because it looks like there’s a lot of bum horses in the Kentucky Derby to me. At least their times are not very good. He raised the money. He got some money from Ernie Cragin and some from me. Anyway, he raised the declaration fee. The horses broke out of the gate. One Eyed whatever his name was, broke good. But he ran about fifteen feet and stopped and started backing up. By the time the Jockey could get him to go forward, they were a quarter of a mile down the track. He ran, of course, dead last.

*I think Mike Hines took a little bit of ribbing for that, didn’t he?*

He sure did. Everybody I knew who used to meet him on the street would say “Hey how’s One Eyed so-and-so?” or whatever his name was.

*What year did you think that was? Do you have any idea?*

I don’t know. I have no idea. The other day, when we quit, I got to thinking about it when you asked me about the Foley family. I got to thinking, I didn’t do them justice because all of them have been good warm friends of mine—it seems like forever. George Foley’s one of my best friends. Their dad was

a tremendous judge—absolutely, tremendous judge. In fact, at his memorial I said that it was a crying shame he never was on the Supreme Court. Not only that, but he has told me, and the family has told me, that I was his favorite lawyer in the whole state. I kind of knew that because he used to appoint me all the time. Of course, in those days we didn’t get any fees. It was our obligation, under our oath, and I don’t know of anybody that ever refused it. I’m quite amazed now when I see that the judge appoints somebody and they wiggle out of it. I probably tried at least fifty jury trials in my lifetime, *pro bono*. In fact, some of the lawyers referred to me as the public defender. And, by God, I guess I was. I just couldn’t turn down a case. Really didn’t want to. My greatest joy in whole life was walking into the courtroom. I felt so good when I walked into that courtroom. That was my home. I loved every bit of it. Even if I lost, it was a tremendously good feeling. Even though a lot of judges said that I was one of the best writers they ever saw, I hated to write briefs. I hated it because it was taking up my time to get to the courtroom.

I was amazed at Bruce Judd. Without my knowledge, they handed me a list of all of the Nevada Supreme Court cases that I have had. I was amazed to find out that I had 112 cases before the supreme court. Now who in the hell has 112 cases before the supreme court? But I was trying my own cases, and taking appeals from nearly everybody that was trying any criminal cases, and was doing very well. Roger Foley went to work for me when he passed the bar in ‘47. I was chief deputy D.A. In fact, I was running the office.

Bob didn’t want anything to do with it. Bob Jones, great guy, wonderful man. I don’t know that I had made the decisions, he did. He was a member of Jones, Weiner & Jones, and they were the leading law firm in town

at that time, and he didn't want to leave the office. I ran the office. But I didn't make tough decisions without his approval. He always called the shots.

I don't think [Roger Foley] ever received the recognition he should have received on the federal bench. I worked with him all the time I was on the bench. He retired and took senior judgeship the year before I left. But I was the chief judge for several years before I left because he was kind of disgruntled. He had some run-ins with the chief judge of the circuit. He was a good lawyer. Not spectacular, but good. Conscientious. He was a fine federal judge. He didn't have writing skills but his decisions were to the point. His judgment was good and, short, and they were excellent. He had excellent judgment. I don't think he was the judge that his dad was because his dad had great skills in every area of the law. George, I believe, of all the boys, was the best lawyer of all of them. All of them, except John, had a very high temper. But most of the times, that temper worked in their favor. They were never out of line. I guess Joe had the highest temper of all. John was not one of the high-tempered Foley boys. Gracious man. Good lawyer. Could try a good case. Had a good temperament for the courtroom. While he never specialized in trial work, he was very, very good at it—and still is. He won't be very long, as he's creeping up there in age too. But they were a great family and good to me.

*I'm looking at a court decision [67 Nev. 649 (1950)] that was actually in 1950 involving the [Nevada] Chiropractic Board of Examiners. Apparently you represented the chiropractic board of examiners at one time.*

In 1949 there was no board of chiropractors. The medical board supervised them. Then in the forty-sixth session, forty-

seventh session rather, a board was created. One of the members of the board, the head of the board, chairman or president—whatever it was—was selling licenses. There was a big fight going on in two divisions of the board of the chiropractors. One division of it was what was called the Palmer Method and that was the method taught by the guys in the Palmer College, somewhere in Colorado. The other was about evenly divided and they were the modern, I guess, section of the chiropractors of the profession. Both sides came to me. The Palmer Method, they used only their hands, no instruments and many other things. I was chairman of the judiciary committee and they came to me and they asked—both sides—and they wanted the whole chiropractic world revamped.

I had a hearing and listened to both sides, and then, I wrote what, I guess, is still the present chiropractic pact. Then amended, of course, the power of the chiropractic board and the rules and regulations that they must follow in issuing their licenses. I guess it's still the act to this day. I introduced the bill as a committee bill and it passed both houses with a large majority, since it was a committee bill they usually pass. The act created a new board. They called me one day. They knew they had a lot of problems implementing it and they asked me if I would become the attorney for the board. I said, "OK." I was fresh in private practice and even though I had nearly all I could take care of in business. I was one of those lucky lawyers who never had to struggle. Since I had such an interest in it, I told them that I would take a year. I believe I was the attorney for the board for a couple of years. That's how I became the attorney for them.

*The case I'm looking at involved a Dr. Arnold Van Heukelom.*

Yeah, I think he was from Vegas.

*The Review-Journal*, on March 30, 1949, the headlines says, “Harry Claiborne back as Deputy District Attorney”, and apparently you went back into the D.A.’s office specifically to handle murder prosecutions against Roger Dean Sorenston and [Boulder] Ranger John H. Rice, Jr. Do you remember those?

Bob [Jones] felt that there was nobody in the office capable of trying the case—frankly. He called me up and he said, “We got three murder cases pending. You know damn well I don’t have anybody over there capable of successfully trying any of them. Would you come back and try those three cases?” Then, the deputies could have private practice. I said, “Yeah, I’ll try them.” I couldn’t say no to Bob Jones. He was the one who gave me my first chance to get into the courtroom and I dearly loved him and still do to this day. I couldn’t have said no, anyway. So I took them.

*Did any of them go to trial? Roger Dean Sorenston—did that one go to trial?*

All I remember is that I tried it and we won it.

*The ranger, John H. Rice. Did that one go to trial?*

Yeah. It was a man killed his own son. Yeah. He lived in Boulder City.

*Was he a park ranger or a policeman?*

I don’t remember whether or not he was. It seemed like he was. All I know is he killed, murdered his son. I tried that case with Herb Jones. All I remember was the circumstances of it—he just murdered his son in cold blood.

*I should have read a little bit further on here—it says, that “Claiborne’s appointment will fill for the moment the vacancy in the D.A.’s office left by Roger D. Foley who resigned to enter practice with Milt Keefer.” And apparently, Art W. Ham Jr. had apparently just joined the D.A.’s office about that time as well.*

So it was Art Ham I took to court with me instead of Herb Jones.

*Had Art Ham just taken the bar? Passed the bar?*

Yeah. He had just passed the bar.

*And his dad was a long time lawyer in Las Vegas?*

Yeah. Oh yeah.

*Tell me about Art Ham Sr., he really was one of the older members.*

Art Ham Sr. hated me. Absolutely hated me. Art Ham was a grouchy, grumpy, human being. He was then a law partner with Ryland Taylor who later on became a district judge. I don’t know if Taylor committed suicide or not, I don’t know, I think he did. But Art and I had tried some cases against each other, and he envisioned himself as the best lawyer in the world—the best trial lawyer in the world. And he was quick to tell you so.

I don’t remember what case it was, but he and Ryland Taylor showed up at a preliminary hearing and I was in the D.A.’s office. I guess they didn’t pay him—come up with the money between the preliminary hearing and the trial. God knows, I don’t know what trial it was. But they withdrew. Both of them were in the courtroom when they withdrew, with the defendant. They were before Judge

Henderson and Judge Henderson wouldn't let them out. By God, once you took a case, you tried it whether you were paid or not. They talked all around, but without saying that they hadn't been paid. They used all kinds of excuses that they couldn't get along with their client, and the client's family. I think there were some arguments, probably over pay. Judge Henderson allowed them to withdraw. We walked out of the courtroom, and Art Ham walked up to me and he said, "Well, I guess you're damn happy that we're out of this thing." I said, "What makes you think that? Hell, no, I'm not happy. He'll go out now and get a good lawyer!" Never spoke again but one time after that. My office was where the back of the Four Queens is now. I was in private practice and my office opened up on the alley, which ran all the way down to Second Street. I hardly ever took any other route down to lunch, or anywhere else. The Golden Nugget was right at the end of the alley. Ed Greeley and I were sitting in our office eating lunch. Ed had been a farmer; he was a disbarred lawyer in Ohio. He died while he was working for me.

I ran into a federal judge, Judge Underwood from Columbus. I asked him about Ed. He knew Ed. He told me he was one of the best trial lawyers he ever saw, but he turned out to be an alcoholic and lost his practice, and lost his family. He was screwing up cases right and left. Not appearing. Found him, on the day a case was supposed to go to trial, drunk. He took off, came to Vegas, walked into my office and asked for a job. He told me he had been an alcoholic, he had quit, and that he promised me that he wouldn't take a drink today, but I may get drunk tomorrow. I said, "Well, if you do, don't come to work, you're through." He never took another drink. He founded the Alcoholics Anonymous organization here in Vegas. Did God's work. Was sitting in the

courtroom watching me try a case. At lunch break, I went over and I said, "Come on, go to lunch with me." He said, "No, I'm going down to Bob Baskins'. I got an appointment with somebody else." He told me who it was, I don't remember. He went down to the restaurant, ate, paid his check, fell dead.

Strange thing. Ed and I were sitting in the office, working on a case, and we heard a thump at my back door. Ed got up and opened the door, looked out and Art Ham was lying in the street. He'd passed out. He'd been ill and he fell unconscious and fell into my door. Ed and I called an ambulance right quick and I called Art Ham Jr. No I didn't. Art, I don't think was in practice yet. I called somebody. I called Buck Blaine at the Nugget. Ham owned twenty percent of the Golden Nugget. I was telling the story around that Ed and I were sitting in there and we heard this thump on the door. We opened the door and looked out, and it was Art Ham lying unconscious in the middle of the alley. We were afraid that he would get run over by a delivery truck, so we took him and put him over by the wall, to keep him from being run over, and went back into the office and went to work. But we left the door open so we could watch him and see that nothing happened to him laying there. Five people walked by, turned him over and saw who he was, and walked away. Finally, the black porter from the Nugget came down the alley, threw him over, recognized him, and went and called the management. Well, somebody told him what I was telling on him. About six months later, of all places, I ran into him in the same alley. He said, "Goddamn you! You are a dirty rotten son of a bitch." I said, "What's the matter with you Art, that's not nice." He said, "I always knew you were a no-good bastard." He said, "But if I hear of you telling that story about me unconscious in the alley, you're going to hear from me. You're

going to hear from me!" I said, "Jesus, Art, sorry you took offense to it. People would ask me what happened to you down there and I told them." I walked away. He never spoke to me after that. He hadn't spoken to me a long time before that, I guess from the first time he heard my story. He had just suckered a lot of people in. When I first came to Vegas they always told me Art Ham was a fine lawyer, one of the best lawyer's in town. Hell, my dog could beat him. I was never a friend of Art Ham in his later years.

*Do you have a better relationship with his son? Art Ham Jr.?*

Yeah. I had a good relationship with Art.

*Was he a practicing trial lawyer—Art Ham Jr.?*

No, no. Before his dad died, he came into the D.A.'s office. Art Sr. was still living. Which I always thought was very strange; I figured Art would go into his office. Art Sr., at that time, was getting old. But he didn't. I think he came in to get some experience in trial work. Anyway he was in the D.A.'s office.

*He was primarily a business lawyer wasn't he? Art Ham Jr.?*

Yeah, yeah. He never had any kind of a reputation [as a trial lawyer] that I know of.

*I saw someplace that he was actually president of the state bar at one time.*

Yeah, yeah.

*I'm looking at the Review-Journal, April 27, 1949, it looks like you caught a little bit of heat at a Lion's Club luncheon where you headlined, "Claiborne criticizes caliber of Clark County*

*Legislators." It said that there were two types of special interests such as labor and livestock, and didn't blame the constituents for the criticism they gave the legislation. Do you remember that?*

Right after I came back from the legislature. Anyways, the Lion's Club invited me to speak. Already the town began to overflow with people. I don't know who was the superintendent of the school district at that time, but before I went up there he came into the office and asked for a meeting with me and Harley Harmon. Sailor Ryan, who was then the head of the laborer's union, was an assemblyman. Jack Higgins who was a long time barber here; he was one. Bill Embry from Mesquite was one. That was it. Ryan, at that time, I guess, was on his third term in the legislature—very powerful man in the assembly. Was chairman of, naturally, the labor committee. I'm trying to remember the superintendent's name—oh hell—a grand old gentleman. He told us what the problem was. The schools were absolutely desperate. There was no money to build schools. Already the schools were overcrowded. They had a shortage of teachers because the salaries were so damn low and he wanted help. Harley and I talked to the speaker of the house before we went up there and alerted him to the problem and that something absolutely had to be done. This was probably three weeks before the session began because the election was in November, on the first of January the session started. Or it might have been around the twentieth that the session started, in January.

When we went up, we went up three days early, Harley and I. We got a room in a motel together. Next door to Cliff Jones, who was the lieutenant governor. We went over to see the speaker and we had an all-day conference with him. He told us what he had done, and



what he had found out. We had then, what was called, a state superintendent of education. We had several sessions with him and of course he was well aware of the situation in Clark County. The three of us concluded that the only way we could get money for Clark County was by a sales tax. There just wasn't any other place to get money. We started getting support. Sailor had more friends than we had. Labor was opposed to a sales tax because they said the burden would fall on the workingman. Even in a bill, we exempted [sales tax] from groceries. Once he took a position, he was non-compromising on it. I guess the biggest fight over it ever in the legislature. Because I just was pretty good on my feet, I was the floor man for the bill. I got within one vote of passing it. It would have easily passed the senate because labor didn't control the senate. But, I guess every labor executive in any of the labor unions just sat in every session of the legislature and lobbied everybody. And they beat us. I was so angry when I come home. I ran for the senate the next time and Mahlon Brown beat me. Just a few votes, but he beat me anyway—just barely over a 100 votes. The labor union used my sales tax thing to beat me. But, I ran a very poor campaign because I was more interested in getting a probation law passed than I was in being a state senator.

I spent the whole summer traveling all over the state putting together organizations to support the probation law. Everybody said you're wasting your time; Nevada's too conservative. Everybody thinks Nevada has a history of being liberal—it's not. A liberal way of life, but goddamned conservative. And still is. Everybody thought I was wasting my time. Bill Carter was head of the Teamsters Union, and I ran into Bill one day. I said, "I know you're against me in my race for the senate and I know that all the rest of the labor unions are, but I need help to pass this probation

law." Well, I explained the whole thing—that there's no probation in Nevada. That if a young man who would qualify for probation got convicted, he went to the penitentiary and when he come out he was then a real criminal. I expressed every argument for it, and he listened. He said, "Harry, how can I help you?" I said, "I need money." By God, he gave me \$5,000 and that's all the contributions we got. He assigned a man to go with me and to help me. He was an organizer for the union—Jay Brewer. And he knew how to organize people. We had a group in every town. By God, it passed. It passed and I lost.

*You weren't up there when it passed though?*

No. Oh, no. See, I promoted the resolution in the legislature. I had a lot of people in the legislature that voted to put it on the ballot. They were convinced it would never pass. I think, by the time the session ended, I'm sure I had more influence than Sailor had. Because I had fought so hard for it on the floor, I earned their respect even though they voted against me.

*What was your motivation for running for the state senate rather than staying in the assembly? Was that a difficult decision for you?*

No. You see, when I started practicing law, I didn't intend, in any way, to get into politics. And Cliff Jones put me in the assembly race. I kind of think I was ordered to get into this stuff. Cliff was "The Man" in Clark County. Cliff Jones, a request was kind of an order. He asked me to run for the assembly. I went down and filed. Led the ticket.

*Did you have thoughts of running for the assembly again or did somebody talk you into the senate?*



Nope. By the time I served a term in the assembly, I had political aspirations. I liked it. That was a step up. At that time and I was going to serve a term in the senate and I was going to run for attorney general. But I got beat. I didn't stop my political activity; I mean, Jesus, in the early years, I was welcome in any political situation.

*When you first filed, it sounds like C. D. Baker was the state senator for the seat that you were running for at that time. Does that sound familiar?*

C. D. Baker was in the senate, but he announced that he was not going to run for re-election and so the position was open. I think that's mainly why I got into the race. It was a step up and I figured it'd be easy for me to win. I knew labor was going to be against me but there was enough people who supported me in my stand and I think it made sense to them. Jesus Christ, their kids were important to them and their education was important. What I said made sense. It was the only answer, the only damned answer.

*In this article of May 5, 1950, it says, "Claiborne Files for State Senate Post in Election," and in there it says that the post that you filed for was held by C. D. Baker, a well-known civil engineer. Baker announced this morning that he may relinquish his post this year to seek election to the U. S. Congress. So that's the timetable for it.*

Well, I hated that son of a bitch. I don't know, what I just said may be absolutely incorrect now that you read that article. I had only two things I wanted to accomplish in the legislature, and that was to get a sales tax and, secondly, to get civil service to the police and firemen. This son of a bitch opposed me

on both of them. Constantly. He held the bill up over in the senate; I got it passed in the assembly—the civil service bill. It went over to the senate and I don't know what he did over there, but he blocked it. I don't know what maneuver he used to block it, or whether he just got a lot of support from his friends over there and blocked it. But anyway, I would go over and I would talk to the committee chairman, Senator [John] Robbins from Elko. I'd talk to Robbins, and he'd listen, and I'd say, "Goddamn it, my colleagues in the assembly are for it which is obvious. It's purely a Las Vegas, Clark County bill. Get it on the floor." He said, "C. D.'s against it. If I get it on the floor, you'll lose it." I started lobbying the senators myself, but I never could get it to the floor for a vote.

One day a state bill creating a state board of engineers hit my desk. Went to judiciary. I hadn't paid attention to what was coming out or I would have jumped up and moved it into my committee before anybody had a chance. So they automatically moved it into my committee. I was jubilant. I took the bill, put it in my desk drawer and locked the damn drawer. Now, it got near the end of the session. This session ran into May. Ran the clock back, covered it with paper, and continued the session. We were still in our last day of the session. It was May before we got out of there, chiefly over the sales tax thing. Anyway, I sweated him out. Every day I would wonder, well, I wonder if he's coming over today. One day he walked in and he sat down at my desk. He said, "Harry why haven't you acted on the engineering act?" I said, "C. D. let me tell you something. You go back over to the senate and you tell all those honchos that are supporting you and being against the goddamned civil board. You get it on the floor. The minute it hits the clerk's desk here, having been passed by the

senate, I'll pull your goddamned bill out and we'll pass it in an hour." He said, "You can't do a thing like this." I said, "Oh, I can't do it? Well then, go back over there." So he went back over there. Now he walks over about three days later and says, "We just passed your goddamned civil board and said it's on the way to the governor's desk." Well, I said, "OK."

Anyway, I moved the bill to the floor the next day—his engineering bill—waived the constitution, put it on the board for third reading and final passage, and it did. I kept my word, by God; it passed in an hour. Now I get a call from the governor, he says I'd like to talk to you. I said, all right. I went over and he's got the [probation] bill on his desk. He said tell me about this. I told him the same story that I've been using all year. How terrible it was that if you were convicted you had to go to the penitentiary because we didn't have a probation act. Anyway, he made an amazing statement. He said, "My God Harry, I didn't know that." The governor didn't know that. He signed it, in my presence he signed it. Then I met him, we were at some function together four or five days after that, and his executive secretary was Jack, God I know him real well, here in Vegas. He was [Governor Vail] Pittman's right hand man. He came over to see me. The governor is going to dinner over in Minden and would like for you to join him. He said, "I'll pick you up at the motel at six o'clock." I said, "OK." We went over and I had dinner with him and he began to praise me when he found out what all I had done to get it passed. He told me, "I think it's the best law signed during this session. I want to ask a favor." He said, "Would you help me form the probation panel. You know more about it than anyone else. Who would you like to see appointed as head of the probation department."

Well, in my D.A.'s office, I had a guy that was an investigator named Ted Cupid and I jumped at it. Very intelligent, very smart guy who knew his way around. In the system, he knew how it worked. He appointed him the next day. E. C. "Ted" Cupid he was the first probation officer. That didn't end it. Jack came over and told me that Cupid was coming in to confer with the governor and the governor wanted me there. I naturally went over. While I was there, he asked me to help Ted form the department. The act authorized him to establish rules and regulations, so that's what we did mostly. We made about five trips down to California and conferred with the head of probation down there. Then come back and we drafted the regulations, formed the department. I've always considered that is the only really meaningful thing that I did in my life. I have a lot of pride in that.

I think everybody, when they start getting in their advanced age, they start wondering if they ever accomplished anything to the benefit of either their profession, citizenship, a system or what have you. You start looking back on it. I think it was good that I was around. Even though I may not have accomplished a damn thing otherwise, but freed some crooks. I hope they turned out all right. I know one did. A guy I defended for murder in Reno named Tea Bags Thompson.

*Tell me about that one.*

Well, Tea Bags Thompson was a burglar and a thief, and an excellent crook. He would have got, at least, honorable mention in the association of crooks. Tea Bags worked with another burglar. In fact, he was a key member of a gang of burglars that operated all over the west.

Now, Tea Bags worked closely with one guy who also lived in Reno. Well that day,

while he was with this guy, a guy came and gave him \$5,000 which was probably a cut in some burglary or something. He put the \$5,000 cash inside his coat pocket. He no more than got home and the other guy called him and said, "Let's go up to Tahoe and have dinner." Tea Bags said, "OK." He goes up, and he's riding along, and they get up on the mountain road and the girl turns around—he had a girl with him, his girlfriend—turns around. This guy was an addict. Tea Bags was sitting in the back seat and she turned around and pointed a gun at him and said, "Hand over the money." His story is that he knew they were going to kill him. They weren't just going to rob him and leave him alive. They were going to kill him. So he leaped; there was a struggle with her over the gun. The gun went off a number of times—this is his story—and the driver, his friend, was killed and she had two superficial wounds to the top of her head. [The District Attorney Bill] Raggio's theory was that he was an addict.

The gang got scared that if he was picked up, he'd cop out. There was a gang decision to kill him, and that Tea Bags drew the short straw. They were riding along on the Mount Rose Road, Tea Bags pulled a gun, shot and killed the driver, and the car ran off the highway and hit a rock. The girl jumped out and ran. Tea Bags ran after her, she fell, he ran up, lifted up her head, and shot her in the head. Then he went back and he checked on the driver, he was dead. Then he started walking to Reno and decided he better check on the girl to see if she was dead. She played possum. He goes up, lifts her head up, and shoots her in the head again and walks back to Reno. The girl was wearing a wig, so all he was doing was lifting up the wig and the shots just grazed the top of her head. Now then, they knew where he lived, the police did. They took the girl to the hospital. All they had to do was

just make a few stitches in her skull and they waited at his apartment until he come in. It's a long walk.

He walked into his apartment and the cops come in on him and arrest him for murder. They took him down to the station and in walks two detectives with the woman. They say he had a shocked look on his face. Then she said, "That's him." They threw him in the jail and filed on him. We go to trial. Raggio's theory was that he shot the guy, then jumped over the seat and began to struggle with him. I guess he shot him three times. All this trouble took place behind the wheel of a car. The girl had no gun, didn't know anything about a gun. She testified to the whole thing and he [Raggio] was well on his way to victory. Now he brought the car seat in from the car. He brought it in and introduced it into evidence to show them the bloodstains were all on the driver's side of the seat. And that there were no bloodstains where the girl sat, conclusively proving his point.

Now there's a guy on the jury I noticed. This is something I told all the young lawyers, watch the jury when evidence is introduced, watch their eyes, watch their demeanor, you will discover, most times, some juror that is skeptical. Now, I'm looking over at the jury and I see this one guy lean forward and he's looking at that car seat. He kept staring at it. Then I saw him stare at the seat and shake his head. First recess, I looked at the car seat. Didn't see anything wrong with it, I kept looking at it. But I kept looking at this juror and he'd look at me and look at the car seat. I knew goddamned well something was wrong with the whole thing. At the next recess, I looked at it and I discovered what was wrong with it. On the outer portion of the seat, was a tan color, heavily tanned. I looked at it and then, of course, back here the seat pushed under the bottom portion of the seat that

comes down. It hit me. The seat is wrong. The reason this was a heavier color is that it has been underneath the other seat [the upright portion which supports your back] and that the sun and years has bleached out the seat. It's in backwards. I'm looking at this when nobody's in there but the clerk going through some of the exhibits. I don't want Bill [Raggio] to come in and see that I'm looking at it. Otherwise, I would have turned it around to see if it fit.

Closing arguments, boy, did he bury himself. He made the statement to the jury, "Now in this case ordinarily you would have to make a choice between the defendant and the woman" whatever her name is—we'll call her Suzie. "That is, you're going to have to decide, which of them is telling the truth. I'm going to relieve you of that burden. You don't have to make that choice. He [the defendant] says that all the struggle for the gun took place with the victim underneath the steering wheel on that side of the car. Well, you have to convict him because he lied. The shots were fired in the struggle over the gun on the girl's side of the seat. He goes over and says, "See, the blood is on the driver's side." And he looked over at me as if to say, Claiborne, this is one you don't get.

Closing argument, I got up and I said, "OK, I accept the challenge. I accept the challenge. If Mr. Raggio is right, you convict him. If he's not right, you'll have to acquit him. Well, he's not right. I turned the seat around facing him and the guy that was looking at the seat, a big smile broke out on his face, great big smile. He was like this [gesturing]. I took the seat out and I said, "See here—this portion, the outer portion was underneath the seat, where the sun and the weather couldn't hit it and bleach it out. You see, here's a bleached area." I pulled it out like this and I said, "You

see, bleached. Not bleached, at all." The rest is history. Turned the seat around and I said, "See it fits, it fits." Pushed it under there. I said, "See this portion, darkened portion was underneath this seat that comes down." I turned to old Raggio, and I said, "Now, Mr. Raggio, since you put all your eggs in one basket, here's the truth. You lose! Cause you already told the jury it was one way or the other. You lose!" And the guy who was on the jury was beginning to nod his head up and down. The other jurors were like this at the revelation. Now, you could think that Bill knew it? No. I'm sure he didn't. The cops brought the seat in. They said, "Here's the blood it's on this side." They brought the whole seat in and somewhere along, taken out, maybe in carting it over to the courthouse from the police department. And he lost.

Tea Bags Thompson walked out of that courtroom, and turned around to me. I had my law bookcase and my briefcase trying to get out of there. He said, "Let me have your briefcase." I started to hand it down and he set it down on the floor. He put his arms around me with tears in his eyes. He says, "I promise you that I'll clean myself up and I'll do something with my life and I'll never be in the courtroom for any crime after this one. They may find something on me in the past but never, from this day forward, will I commit any kind of crime." I said, "Well, I hope so." Well, he moved to Los Angeles and he got a job as a truck driver. He worked his way up to be superintendent of the trucking company in a few years. Married a nice lady. To my last knowledge of him, he had three kids and he was tremendously involved in community service of all kinds and the Boy Scouts, Little League, God knows what else. He's a pillar of the community. Tea Bags Thompson. He'd die if I called him Tea Bags.

*How'd he get his name Tea Bags, did you ever hear?*

He had heavy bags, big heavy bags under his eyes.

*Did you ever talk with the juror after that?*

I didn't have an opportunity to talk to him. But I wrote him a letter. I found out his address and I wrote him a letter. Told him just exactly how I discovered it and that he was responsible. Of course, he didn't answer the letter. I never heard anything from him, I never spoke to him, ever. But I found out he worked at a body shop. I should have known. I looked at the information sheet on the jurors and gave a description—not in the actual language of an employee of a body shop—but something so similar to it that it would have immediately brought my attention to how he knew something was wrong, but I never looked at the sheet.

*Do you have any estimate about what year this happened?*

Oh, probably '62. 1962. But I'll tell you a funny thing I did. When the jury came in so quick, I went to eat next door in the Riverside. It was close and I went in there to eat. I saw an old friend and after I got through eating I went over and I visited with him for about thirty minutes. Walked out the door. I had a room behind the post office. Holiday [Hotel]. I went over to the Holiday and I told the telephone operator I'm going to take a walk. I have a jury out and if anybody calls for me, ask if I'm wanted in court. Otherwise, I'm going to walk right down Virginia Street. I walked out and a bellman came running. I got right across the street there at the post office, and

I started around the post office and he come running out. He said, "Mr. Claiborne, you're wanted at the courthouse." I said, "Thank you," and I went over and I walked in. I supposed there was a problem and the judge wanted to talk to us. Somebody told me, just inside the door, it wasn't the bailiff, and said the jury's in. Bill Raggio come in and said, "hmm," and sat down. I should have kept my big mouth shut. I said, "Oh, you know the verdict?" And he says, "No, but I suspect what it is." And he was right. Two hours that jury was out.

*Who was the judge, do you remember?*

Judge [John W.] Barrett.

*Had you tried cases in front of Judge Barrett in the past?*

Yeah. He was a good judge. Boy, he looked like a judge. Had white hair, solid white. God, he looked like a judge. Sitting up there in those robes you'd think you're looking right in the face of Jesus.

*In the newspaper of June 8, 1949, there's a picture of Bob Jones welcoming Kell Housells Jr. to the D.A.'s office and, apparently, said he was replacing you who resigned to go back to your private practice. We've talked about his father, but I didn't realize that his son was a lawyer.*

We called him Ike. Kell Housells Jr. Everybody called him Ike. I see in the paper now that he's had all of these banquets and everything else, you know, I guess he's on the social life circuit. They always refer to him as Kell Housells, even the Jr. dropped. Kell Housells was one of the, I guess, second most powerful man in Clark County when I started practicing. He owned half the Las Vegas Club,



he owned the biggest taxicab company in Vegas called the Gray Line. He owned a whole mess of busses. There wasn't any municipal bus system here. He was a very powerful and very rich man. His son graduated from the Naval Academy—Ike did. He came back home and then went to law school. Brilliant. I think he graduated like second or third in his class in Annapolis—right up there, probably in the top two percent in law school. Smart, smart guy. Kell came in and he said, "Ike has graduated and taken the bar. Can he come in your office and work for you and kind of learn the ropes until he can get his license?" I said, "Sure." So he went to work for me. He worked for me until he got his license, which was three or four months. I don't know how long it was. Then moved to the D.A.'s office.

Brilliant as hell, but he hated, absolutely hated, the practice of law. His wife had graduated from law school—a local girl whose father was a dentist. His name was Smith. He and Jeannie, I guess, were going together in law school. He graduated first and they married when she got out. They opened their office, strangely as it may seem, right across the hall from me over in the Freedman Building. He was an unhappy camper. I can't believe, I just never could believe that there was a single lawyer in the world that hated what he was doing. Jesus, the law, every part of being a lawyer, is the most excitable damn thing you could do. It really is. What used to really piss me off, when I was on the bench, is all of the federal judges that I knew, except a few—one over in Olympia, Washington and a couple down in, Los Angeles - outside of those three, they were absolute total converts to *stare decisis*.

What some other judge wrote in some opinion, was it. Jesus! I can't believe it! That's the dumbest goddamned thing in the world. To start falling for what some other bunch of

judges said, to arrive at an opinion. The law is a moving breathing subject. God, it has a soul of its own. And to sit there and look, Judge Thompson up in Minnesota said this—OK. "Two hundred to 300 judges said this and 300 judges followed the opinion of Judge Thompson, yeah that's it. I'll write an opinion," copying half of what Judge Thompson said, hand it to the clerk and say, "file this." Jesus Christ! I sat on the Ninth Circuit eleven times and I guess that's more than any District Judge down here ever sat - all of them combined. Judges told me that some judges have said, principally appellate judges, "God he was a smart son of a bitch. A little far out for me." I guess I was, I don't know, I don't care really. I didn't break your bank let's put it that way.

*So Ike wasn't too interested in the practice of law?*

No he wasn't. I talked to Jean. I really liked her, she was a sweetheart. She used to come in all the time and ask me questions. I had lunch with her a few times. Just a super lady. One day I said to her something about how's things going and she said, "You know, Ike doesn't like to practice law. He's so unhappy." I said, "Jesus, I kind of suspected that." When he worked for me he didn't act like he was really into it and I figured he was just waiting until she got out and they could start a firm. One day I ran into Kell Housells. I never ever told Ike this, I never had an opportunity. Oh hell, I know, Kell came up to Ike's office and I was coming in from court, and I said, "Hey come in here." He came into my office and we sat there and chatted. I told him, I said, "You know, Ike doesn't want to practice law, he never did. Jeannie had told me he went to law school to please his dad. Jeannie says he went to law school to please you. He doesn't want to be a lawyer. I don't know what in the hell he



wants to be, but he doesn't want to be a lawyer. My God, find out what he wants to be! You got more money than they got in Fort Knox. You can afford to finance him in whatever he wants to do." The very next week, by God, they dissolved the partnership and she got a divorce, really. He started building that hotel down on Fremont Street on Boulder Highway. Showboat [Hotel]. He built it, oversaw the building of it and the operation of it and he was the first general manager. That was how he started.

*What became of his wife, did she leave the area?*

I don't know whatever happened to Jeannie. I really don't. But all I know is that it wasn't long after my conversation. But hell, of course I didn't have anything to do with the divorce. It just occurred after just a few weeks. Gloriously happy in what he was doing and successful at it.

*Is he still a businessman in Las Vegas?*

I don't know. I saw somewhere where they sold the Showboat. I'm sure they're not interested in the Showboat. He may have some small interest in some of the other places, I don't know. But I will tell you, he'd be a dream to have anywhere. I'm telling you right now, Bruce, he may be the smartest man I ever met. So smart and he wasn't erratic with it. Most people who are geniuses are a little erratic. Hyper. Roger Foley told me one time, he said, "You know something, you're a genius. You really are." I said, "Why do you say that? I haven't done a goddamned thing that would indicate I'm a genius. How can you be a genius if you're a federal judge." He said, "Because you're so goddamned erratic."

*It's the definition.*

That's why I knew what a genius was, you know.

*In looking at the newspaper on June 23, 1949, it says, "Claiborne cries monopoly at license session." You were representing J. S. Pappas. It was concerning gambling licenses and liquor licenses and it looks like you were complaining that the Las Vegas City Commissioners were limiting the issuance of liquor and gambling licenses in favor of some of their friends. Do you recall that?*

I was in several of those fights. In fact, I was the one that got the red line declared unconstitutional. The city commissioners sat down and they thought well we'll create a gambling district. They took a red pencil and marked in a certain manner around the city. It was the only one that was exempt, of course, because the only one that was out of the city at that time was the El Cortez. It was grandfathered in, of course. It ended at Third Street. Ran from Third Street west to Main Street and ran over to Bridger and Ogden. Yeah, OK. That's the drawing. The Fremont Hotel was not there, and so they drew the line half way across. In other words, about 100 feet from the boundary line of Third Street. That had nothing to do with this [Pappas licensing case], it's just one of them. But anyhow, I had to battle with them a long time because a guy wanted to put a casino in there—and he did because we won it—and it was called the Red Garter. Tony Ananachi. We kept fighting it and we kept fighting it. Tony said, "Give it up," and I said, "No, hell no." They give me such a bad time and I said, "It's a matter of pride now," and he said, "OK, I'm not going to pay you no more." I said, "Fine it's on the house." I just kept right at it until finally I won the son of a bitch. I sure gave up a lot of fees. But anyways, I remember the Pappas thing.

They did almost the same thing. They didn't declare a moratorium on bars and gambling but they just declared there'd be no more of them. Exactly a moratorium, it's a fine line and we exceeded the moratorium. Anyway, Pappas wanted a liquor license and we fought that son of a bitch until the blood ran out of our socks. We finally won that after about 100 tries. The city council really hated me. I won't say they hated me, but they really didn't want me to come in. They would welcome the opportunity to send me home, and the quicker the better. Some of them didn't like me, period. The Ananachi deal didn't help me either.

*What kind of business did Pappas have?*

He had a restaurant. He wanted some slot machines and a liquor license. He wanted to put a little bar in there.

*Does his family still own some property downtown?*

Yeah, they've been in a fight with the city.

*Over a parking garage, I think it is.*

Oh yeah. Yeah. One of the Pappas girls, who is old now. Goddamn, I get cold chills when I think about it. I begin to look over the hill. Last time I saw her, Jesus she looked older than me. Anyway, she beat the city in a lawsuit. She got a judgment way the hell up there.

*Here's a case reported July 17, 1949, in the R-J. Charles J. Neary, an organizer for the Mutual Clerks and Gaming Dealers Union, was jailed on a vagrancy charge and you are representing him. It sounds like there's just a little more to it than just a vagrancy charge.*

This guy actually created the union here in Vegas. He created it. Then he started trying to organize the casinos. It wasn't a major hotel, it was one of the minor hotels. I believe it was the Lucky Strike. I'm not sure. But anyway, they had him arrested for vagrancy. They asked him to leave and, of course, we didn't have the "86" law then that we have now, you know. There's a certain procedure they have to go through in order to "86" some guy. But then, they called it trespassing when they ordered a guy to leave and he wouldn't do it. He was into actively contacting dealers and they asked him to leave and he wouldn't leave. So they called the police and filed a complaint against him for trespassing. I destroyed them in that one. It went to trial. Shit, I bombarded them with the first amendment until the judge was screaming to get out of that.

*It was strictly a labor organization type of a situation?*

Yeah.

*In August 24, 1949, it talks about "Rent decontrol tossed in laps of city fathers." And I know that you told me earlier that you were involved with the rent control when you were in the military, I believe, and now apparently you are representing a tenants' association where the housing authority wanted to do away with the rent control and you were arguing that it should be in place for a period longer. Do you recall that?*

Yeah, I remember it very well. I was attorney for the rent control agents while I was a cop. Then, I resigned as sergeant of the detectives and went to work for rent control full time. I know I was still working in the rent control when I was in the D.A.'s office. You couldn't do that now, but I did it then. I don't

know whether you could really do it then, but I mean, I did it. The federal government abolished that OPA. Rent control was a part of OPA. Congress created that because they had hundreds of thousands of people working in defense plants and they didn't want landlords taking advantage of them or making it difficult for them because it was so important. I guess they had 100,000 women working in the plants, old men, people who were beyond the draft. It was a good thing. I thought it was really a good thing. Landlords didn't like it. Then right after the war they abolished the OPA.

They left rent control in effect, but changed the law and left it up to the local government whether they wanted to continue it or not. If the local governments did continue it, then the federal government contributed to the program. So rent control in Las Vegas, like rent control in every other city, then it became up to the city council in Las Vegas to make the determination whether to continue it or end it. Since I had been attorney for the rent control division, they came to me—renter's association. They formed an association and came to me and asked me for help and I did. Incidentally, I represented them free, *pro bono*. I think that we won the first skirmish, then one of the councilmen made a move down the line and I represented them again. I don't know whether it's this one or the other one but we won again. Whoever the councilman was, he was persistent, he brought it up down the line and they passed it and they ended rent control. They ended it in Reno quickly right after the bill was passed.

*Did you find that the rents went up quickly after rent control was abolished?*

Yes. The main reason was that right after World War II—'49, yeah—right after World

War II, let's say in the period of '46, the country began to suffer economically. I'm pretty sure that we had periods where the economy was pretty good, never good, but pretty good, and then bad. I think around '48, '49, or '50 we went through a, not as bad in Vegas, but nationwide probably the worst part of the depression we had during that period. Then, things began to get better. During the latter part of [President Harry] Truman's administration, the economy got good. Of course, rent stabilized. People who had rentals were just losing a lot of money because prosperity made things better for the renters, but the rent stayed low. It was kind of a balancing act to get rid of them.

*Tell me the places you lived in Las Vegas. From when you first came, walk me through all the different addresses you've had.*

I knew Vegas real well. I didn't have enough money to sustain me by renting an apartment or something like that. I went to work for the cops the same day I got here. One of the cops I met, later on, had a one-bedroom apartment, and he told me that next door, a guy had a little old house in the back that he had been renting out. It was one room. The bedroom, dining room, kitchen was all one room. I was single. He told me to go down and talk to the guy. I was actually working with Joe Bremser. I said, "Drive down there, I want to talk to him." The guy saw I was a cop and he figured I was a reliable guy. He said, "It's vacant now. You can move in any time." I don't even remember the rent cause the rent was practically nothing in terms of present day. South Seventh Street. I've even forgotten the guy who owned the property—was man and wife. She was a doll. She used to bring me food all the time. She knew I got off at 4:00. Most times I come in at 4:00, and there'd be a basket

of food on my doorstep and it was still hot. I knew she was cooking it and having it ready for me. I got along so well with everybody, you know. I wouldn't have been considered antagonistic to anybody except the goddamn agency [OPA]. Seemed like even though I won before them a lot, they couldn't stand to see me come in there. Cause they weren't used to anybody fighting them. People who were right, by God, needed somebody to fight for them, and by God I did. Then it gets out to the public, he'll fight for you. And you attract a lot of dissidents, and a lot of crazy people.

*Where'd you go after Seventh Street?*

I got married about a month before I left the D.A.'s office. A guy named Bob Goldsmith was building some little old cracker box houses down on Sixteenth Street. I could put the whole house in my bedroom, you know.

*Was that Huntridge?*

No, across the street from us, I don't think it's called anything. But I helped build Huntridge. Bill Hanlon and I would get off at 4:00 and we worked for Cory Schidler. We'd go down to the yard and haul lumber until twelve o'clock. Then we'd go drink until 2:00.

*How long did you stay at Sixteenth Street?*

Nineteen-fifty.

*Incidentally I'm looking at a newspaper article of August 29, 1949, where it indicates that your daughter Nancy was born. Were you living on Sixteenth Street at that time?*

Yep. So in '50, I tried a personal injury case in Lewiston, Idaho. We settled it. I never

had to try the case; we settled it and I got a \$65,000 fee. It was a lawsuit between Philips Petroleum and a land company.

*Terrific fee in those days.*

Yeah man, it was a helluva fee. I think it was the first case that I ever tried out of state. I can't say tried. I mean, first case I had out of state. There was a captain that I was in the army with, who was head of the legal office and the prosecutor of Las Vegas Army Air Base. Despite the fact that I was charged with the downtown MPs, also the police prison officer, the colonel appointed me as defense attorney in a lot of cases. But anyway, I tried maybe ten court martials. Lou Smith was always the prosecutor. Well, he was counsel for the plaintiffs in this case who was these leasing companies. Philips had gone in there and drilled a well. They had a lease to the land. I guess there's a big oil field in there now. They tell me most of it's dropped down to gas wells. But anyhow, Lou had their case and he didn't feel that he could handle it—that's what he said. He asked me to help him and I went. They admitted me to practice in that one case. We got down to the courthouse door and reached a settlement. I got a \$65,000 fee. I come home and I built what people began to call a mansion.

*That's when you bought the Rancho [Road] property?*

Yeah.

*Is that Rancho and about Alta?*

Yeah, Rancho and Alta. When I built that place, it was a big house. Later on it's just the average house.

*That was on the outskirts of town at that time wasn't it?*

In the boondocks. Really! Rancho at that time was a gravel road and not graveled very good. And no road on Alta, it was just a lane.

*How many acres was that?*

Five.

*How long did you live there?*

Oh, good God. I lived there from 1952 to 1980.

*Where'd you move at that time?*

Oh hell, over there off of Sahara which was a real nice subdivision. Spanish Oaks.

*How long did you live there?*

One year. Then I left and moved over to Las Vegas Country Club and I lived there six months. I moved and bought five acres up at Mountain Springs and I moved up there. I was up there until last year.

*Your wife at the time [1949] was a staunch supporter of the Las Vegas Wranglers.*

Oh yeah. They were a baseball team in a class "C" league. Leagues are the major league, AAA, AA, A, B and C. She loved baseball and I loved baseball.

*What was her name?*

Barbara. She loved baseball and I loved baseball. She was from Springfield, Massachusetts, and she used to go to every Red

Sox game she had time to see or circumstances were such that she could go. She became the scorekeeper, official score keeper because actually, it was very important, because in professional baseball they have to be very accurate as to hits and so forth. She kept the scores at the game and then, of course, at the end of the year she got to send them into the major league baseball office and they record them. They have a history of everything you did if you were a professional baseball player. Boy, she loved that team.

*Who owned that team?*

Harrison Stocks, who was a contractor. Can't think of the old left-handed pitcher [Newt Kimbal] in the major league—he owned a third. I can't think of his name, but the guy that owned the outdoors sporting good store. George something.

*There's a company around here named Stocks Mills for a while, is that the same man?*

Yeah. He's dead though. I think his son's running it. Stocks Mills and Supply. And they owned it.

*How long did the Wranglers exist in Las Vegas?*

About five years.

*Did you do any legal work or any participation?*

The last year they were here I bought into the Wranglers. I had a five percent piece. It was worth about \$50.00.

*Did they have a major league affiliate?*

No.



*Who would have all of those records on the Wranglers, do you think?*

I know it was an official league—so the major league baseball office would have them.

*I wonder if the Stocks family would have any old records from that?*

They might. I think Harrison Stocks was president of the team. Newt Kimbal was the pitcher.

*He just died about a year ago.*

Yeah. I ain't seen Newt in a long time, but I knew him really well. He had an interest and not only that he was the manager—manager of the team.

*Was he with the Dodgers at one time?*

Yeah. Left-handed pitcher. Wasn't very good either.

*He was good enough, I guess.*

Good enough. He stuck with the Dodgers for three or four years.

*April 26, 1950, in the Review-Journal, it has to do with a case where acting chief of police, Archie Wells, fired four of his detectives for saying bad things about him, a conspiracy against him. Apparently a man by the name of Stanley Halstead was allegedly obtained to talk to the policeman to get these disparaging statements that Wells then used to fire these policemen. Do you recall that?*

Archie Wells was a sergeant. Well, the thing I know about it is we had a month of hearings and finally they were ordered back

to work and given back pay. All of those guys were my friends. In fact, [George] Thompson hired me. Then he retired as chief down the road and went back to his position as captain. Hanlon and Reid, I worked with as a cop. They became dear friends of mine. I didn't know Hanlon very well, but I knew him pretty good. He was the third one—no he wasn't. I don't know that Hanlon was involved. It was Hanlon. Hanlon and Reid, Thompson and [Eddie] Davis.

*Archie Wells, was he ever in fact chief of police for a period of time?*

Yes he was. He was the one that hired me. What actually, really, happened was there was a slimy damn guy that hung around the town called Charlie Pipkin. Later on, Charlie Pipkin latched onto Hank Greenspun when Hank Greenspun was starving and before he even owned the *Sun*. He was a meddlesome guy who was always looking for something on a public official, namely, and there must be thousands of those all over the country. Hank Greenspun, when he came here, he had some difficult days. He was the attorney for the mob out at the Flamingo—not the attorney but the public relations man. Hank was also an attorney that did not practice. Charlie Pipkin latched onto him and was somewhat of a runner and kept him advised of the gossip that was going on, and the scandal if there was any, and the corruption if there was. And, of course, there always was, in those days.

Hank started out with a little throw away sheet. I think things blew up at the Flamingo and I don't know where he went to work then but I know he was struggling. The owner of the *Sun* got into a big labor fight and practically destroyed the *Sun*. It was sold eventually and then bought by one



of the unions involved in the strike, and then sold it to Hank Greenspun for probably a penny on the dollar. I always could look out my window of my office on Fremont and see Charlie Pipkin and Hank talking on the street corner almost any day. I know Hank wasn't as involved in all of these because he'd had no reason, but Charlie Pipkin must have had a run in with some of these poor guys. Or he had a run in with one, and the others were brought into the fold by the one guy that Pipkin knew. But Pipkin brought a guy in named Halstead. When Thompson resigned and went back to captain, Archie Wells, who was a booking sergeant, was acting chief of police until the council could appoint a new chief. All of the sudden, Halstead hit town. Charlie Pipkin passed the word to the gossip reporters of whatever paper we had in existence at that time—I think it was only the *Review-Journal*.

It appeared in the news that a man named Halstead was being considered by the council for the chief of police. Then Halstead arrived. He was here about two months. They said that he had applied for chief of police, and did. One day he contacted Hanlon—Hanlon was chief of the detectives. Halstead, with the room bugged, had a meeting with all four of these cops. In the conversation, he says, "It looks like I'm going to be appointed. I want to talk to you guys, feel out what the lay of the land is, who among the police I can trust, who I can't trust, who are good cops and who are not good cops." Got all four of them together, they were taped and said a lot of derogatory things about everybody. They didn't stop at just Wells; they went after everybody. They had more grievances than I ever thought! Of course, being friends and a former cop, I jumped in to defend them. They sent the tape to Wells, and Wells fired all four of them. There was no dereliction of duty involved.

*Do you think that Wells was involved in getting Halstead out here to tape those guys or was that strictly Pipkin?*

I think Wells was involved. I think it was Wells and Pipkin. I think Wells went to Charlie Pipkin and they worked out the deal.

*Here's one on May 14, 1950. It was the murder trial of Robert Francis Costlow charged in the slaying of a nurse over at the hospital. It looks like Edwin Dotson was appointed to represent him and he asked that Dotson be removed and you apparently talked to this Costlow about representing him.*

I didn't represent him. No. He asked the court for permission to contact me. What he told the court, at that time was that he had sufficient funds to defend himself and that he needed time with which to contact me and hire me. When he talked to me—for some reason I didn't want it. Maybe I'd been too busy to take it. More than likely, the money he had was inadequate.

*Here's a piece, reported July 25, 1950, and a client by the name of Archie Coleman charged with homicide and there was a coroner's jury investigation. He was a west side resident and you argued that he acted in self-defense in the slaying of Alonzo Wright. Any of that sound familiar?*

Yeah, we went to trial and he was acquitted. God Almighty, I can't remember the facts. All I remember are some of the facts. I don't remember exactly what happened.

*I know that you'll generally remember this one. September 14, 1950, the headlines "Claiborne accused of Libel in Suit filed by Publisher." Dick King was the publisher of the North Las Vegas*

*newspaper, and according to this, you referred to King in one of your speeches as "the Russian born editor of a two-bit scandal sheet in North Las Vegas." Tell me about that situation.*

Well, he's saying I called him a Communist. Dick King had a scandal sheet like the *Tribune*, you see for free around, down in North Las Vegas. He and George Franklin were bosom pals. Franklin was in the race for assemblyman with me. Franklin went to Dick, his friend Dick King, and had King write some derogatory stuff about me. There's plenty of it out there, but everybody in town knew it, nobody was disturbed by it. But it made me mad. I had a radio program. I was down in Los Angeles during the campaign and I heard a guy on the radio who sang some little ditties about how to get rid of ants and how to do this and that. He called himself "Helpful Harry and His Helpful Household Hints." He'd sing these little suggestions. I heard it and I thought, oh man, what a campaign gimmick that would be. I spent three days tracking the guy down and finally found him in Hollywood. All these things were on a record. I bought the record and permission to use it. Of course, his name was nowhere attached. I think we only had two radio stations then, and I kind of remember a very prominent citizen with a house over by me on Rancho Drive by Rancho Circle. I knew him and I went over to his station and I talked to him—it was a one-man station. He said, "Sure, I'll run it. You buy the time, I'll run it." I bought it for, oh God I don't know, maybe fifteen times a day. He'd put it on and it says "Helpful Harry and His Helpful Household Hint." This guy would sing the ditty and then my voice would break in and say, "Vote for Harry Claiborne for your Assemblyman." Everybody thought it was me singing that damn thing. God, for years I got phone calls from people saying

how did you say to do such and such - get rid of this. Take grape juice out of a sweater. Boy, I heard from that damn thing for years. It was a real successful gimmick. I led the ticket. I don't know whether it was because of "Helpful Harry" or me. Anyway, I called the station up and I said I want the same amount of time today that my "Helpful Harry" record was run. Just one time, real fast you know. I'm going to buy some time with it, there's some things I want to say. I got on the radio and I really blasted old Dick King—I did call him a Russian but I didn't call him a Communist. Then George Franklin sued me for libel. God Almighty.

*Whatever became of that case?*

Oh, hell, I don't know what became of it; I think he finally dismissed it. I know I didn't lose it.

*It says here, "The statements made by Claiborne were understood by King to infer 'that he was and is a member of the Communist Party or so-called fellow traveler.'"*

I didn't say that. Only thing I said was he's born in Russia. I did implicate him, just a little.

*Here's one on January 9, 1951, and the headline says, "Show down looms in racetrack labor controversy." You were apparently representing McNeil Contractors and they were being picketed by the building trades having to do with the racetrack situation. Do you remember that?*

We got an injunction against them.

*Is there something in here that McNeil had sued the union and they set up a picket line in response to it?*

McNeil, as you know, is one hell of a big contractor. I don't know what state it was, some other place, it wasn't Nevada that he brought a lawsuit against the union and won a large verdict. I think it was in San Francisco and I think he was building a hotel in San Francisco. But it might not have been, it might have been something else. But then he got the racetrack contract and he was building the Las Vegas racetrack out where the . . .

*Out by where the Hilton is, wasn't it?*

Well, it was in that whole area. The grandstands were where Wet-n-Wild is, down through and circled down around behind the Sahara and the Hilton, which later on became the Hilton; part of Las Vegas Country Club and back. There was the Joe Schmoot racetrack project. They came out and struck this thing. Everybody on the job was a union man. Walking around with placards. Jesus, McNeil tried to hire me ten years later—some big fight that he was having in Phoenix. He called me and he told me, "I need you and I need you so desperately. You name the fee, I damn near will give you a blank check." At that time, I was recovering from a horse rolling on me and I was in a hospital bed at my house with two or three nurses and I couldn't take it, I couldn't go. He never called me again.

*Once you got the injunction, that pretty much was the case?*

I think that ended it.

*Then here are a couple of articles dated April 8, 1951, about a Texas gambler by the name of Bert Wakefield.*

They kidnapped that son of a—right in the courtroom. You can't believe it—they

kidnapped him right in the courtroom. They were bodily carrying him out, I mean, not handcuffed or anything. There were two great big goddamned policemen carrying him right out of the courtroom and he threw me the keys to his room going out the door. Me yelling to the judge, "Order to stop, order to stop, your Honor." He was so upset, it was Frank McNamee too, and I know goddamned well it was all agreed to. He knew it was going to happen because Frank McNamee would come off that bench in the first second of it. Later on he says, "Oh Harry, I should have done something quicker but I was so shocked. Astounded about what happened, I just could not collect myself to stop this thing." And he says, "My God, I hope you'll forgive me." I said, "I'll talk to Mr. Wakefield about it. Maybe he'll want to forgive you."

*They just came right into the courtroom and carried him out?*

Right in the courtroom and carried him out.

*Took him back to Texas?*

Yeah. I was in there on a writ of *habeas corpus*. But you see in those days I was freeing everybody on *habeas corpus*. I had this thing about extraditions. We had no extradition law and Pat McCarran had written an opinion while he was on the [Nevada] Supreme Court that you had the right to go behind the indictment and search out truthful facts. You could try the case in Nevada. I'd get a *habeas corpus* and try the case. And I was winning them right and left. Goddamn! You could bring as many *habeas corpus* writs as you wanted to—there was no limitation to them. I was going from one jurisdiction to the next. They'd order this guy back to wherever he was

supposed to go, and I'd quickly take it into another county and file a writ. Lose there and go to another county.

*Did you ever hear from Bert Wakefield again?*

No. Yes I did. Yeah. The only way I heard from him, he wanted his baggage and his clothes, and personal property that was in the room. Bert Wakefield.

*[New conversation in progress]*

Eduardo Hidalgo. Very interesting man. He graduated from Annapolis. I don't know where he went to law school, it was somewhere in the states. Then he went back to Mexico to practice. Then later on he moved back to Washington and was assistant secretary to the Navy and then secretary of the Navy. I believe it was Forrestal, I'm not sure, or whoever followed Forrestal. If it was Forrestal, he committed suicide. He was appointed secretary of the Navy, I guess until the expiration of the president's term. I had a contractor who built the Desert Inn, Wilber Clark. He got one of the road jobs when they built the Pan-American Highway. He had, I guess, a hundred and some odd miles, which is a helluva contract. Under the contract, he had to hire Mexican laborers. He was on the strip right next to the border in Honduras and every third day at least, he would come and all the workers would be sitting down. He inquired of the superintendents, "What the hell is this?" He said, "They refuse to work, see this guy over here." He'd go over to see him and he'd demand a pay-off. He'd pay him off and all the workers would get up and go back to work. Finally he was too sick, so nobody would go to work. He got behind with the contract; he had to do so many miles a month. He couldn't get anybody to work. They all got

pissed off at him. Finally, they cancelled his contract, seized all of his equipment and he came out of there barely with his life. He came in to see me and I said, "Hell I don't know, it's not my cup of tea. But, I see a lot of politics in it and I'm good at that," except for myself.

I went to Mexico City. Not knowing anybody, I scattered around down there and made the inquiry and I found out that Hidalgo was the son of a former president. He had all the juice in the world, so I went up to see Mr. Hidalgo. He was the man I was looking for. Well, we hit it off. I hired him. He got all of our equipment back. That's all we wanted. They owed him some money, but not enough that would break him. We got all of his equipment back, but some we never recovered. Five years later I'm in Acapulco. I hear all this noise outside my hotel, I go to the window and I look out. I see one of his bulldozers working with this thing, with his name on it.

*About what year was that you were down there doing that?*

Well, I guess '48, '49? Because I think that the Desert Inn was the next hotel after the Flamingo. I think the Flamingo opened in '47. I arrived at that because I was at the D.A.'s office. I think I told you that I was going out with Judge Henderson. Did I tell you?

*No. I don't think you did tell me that.*

Well, anyway. I was in the D.A.'s office. At that time I was chief deputy and Judge A. S. Henderson was one of the two district judges, Frank McNamee and Henderson. Henderson had a very good friend who sponsored me when I came here. A fine old gentleman, a wonderful lawyer named John Cope. I met him when I was stationed here. I think he considered me his son. He had no children at

all. God, he was good to me. As I used to say, he gave me a lot of the best advice you've ever seen, which I never followed. John called me up and he said, "Say, Harry, Judge Henderson has been invited to dinner at the Flamingo and he wanted me to ask you if you'd like to come. I'm going with him. Would you like to go with us?" I said, "Oh, I'd like to." I went over to John's house and the judge picked us up and we drove out to the Flamingo. There wasn't anything that would amount to anything between what is now Sahara, desert and wire fence along there. Most of the land going towards L.A., on the left side of the road, was owned by Paul Ralli, a lawyer here, a divorce lawyer. Handled a few criminal cases. Wasn't very good at it either.

*He wrote a book didn't he?*

Oh goodness, I guess so. I was tickled to death to see him walk in. I knew I could just give him the file and go and work on something else. We go out, they seat us and about halfway through our meal [Benjamin] "Bugsy" Siegel comes in—really good-looking guy. Nattily dressed. You'd never believe that he was a gangster and killed something like twenty people. He introduced himself. It apparently didn't register on anybody but me. He sat down next to Judge Henderson and they just talked and talked and talked about the history of Nevada. Judge Henderson loved to talk about the history of Nevada, about as much as I like to talk about my old cases that I won. Finally, he excused himself after about thirty minutes. We got in our car and we headed back. The judge wasn't a very good driver to start with. He said to John, "Who was that young man that came over and talked to us, John?" And he said, "I don't know, I guess he's one of the executives. I'm sure he's one of the executives of the Flamingo." The

judge had turned around like this and said, "Harry, do you know who that was?" And I said, "Yeah, Bugsy Siegel." And the judge said, "Oooooooooooooo, oooooooooooooo!" That's the honest to God truth. There's no coloration in this. He ran off of the road. Even though it's just flat desert out there. I thought he was going to run through that wire fence.

The next day, my secretary walked in and said Judge Henderson would like to see you and as quickly as possible. I said, "I'll go right now." I consider a request by a judge an order, and I went right down. He said, "Have a seat." There was nobody in there but me, and the door's all closed and he started whispering. He said, "About last night, I would be very grateful if you wouldn't mention to anybody that we were at the Flamingo." I said, "I wasn't at the Flamingo with you or anybody else." He said, "Harry, you and John went with me last night." I said, "Oh no, you're mistaken. I've never been to the Flamingo." And then he caught on and he said, "Oh, oh, yeah, OK." He was a grand old man. He was a schoolteacher here.

*Henderson was?*

Yeah. When he first came down, Las Vegas was nothing. He first came down and was teaching school. He had a law license. He began to practice law with Judge Foley, Roger T. Then Foley was elected D.A. and Bert Henderson and Harley Harmon became his deputies. Harley was the County Clerk here for years. I guess he took the bar a number of times and finally—he was such a good guy—they passed him. I don't know what happened to Harley—how come Harley left the D.A.'s office. Bert Henderson went into the D.A.'s office and they gave us another judge. At that time, Judge [William E.] Orr, who later on was in the Ninth Circuit.



*From Pioche?*

Yeah, from Pioche. Was the only district judge. Clark County was in the judicial district with Pioche. Bert got the department. Anyhow, he was pretty weak on the law. But he was a helluva equity judge. They used to say his decisions were always right, but always for the wrong reasons.

*Did he come down from northern Nevada?*

Yeah. A long-time Nevadan. I think he came down actually from Elko. They tell a story about him, that he was a United States Marshal in Nevada. He was stationed in Elko. A doctor had his horse stolen. He had a thoroughbred horse. Of course, the doctor used the horse to make house calls out in the ranches and everywhere around. The doctor was raising holy hell, and Bert Henderson went over to see the doctor. He said, "I'll go get your damn horse back." He scoured around Elko and picked up the horse's tracks. Then he picked up the tracks from the doctors stable. He tracked the guy all the way down to Beatty and across Death Valley. I guess the doctor's horse didn't have as much stamina as a ranch horse. He began to gain on it. He could see it ahead of himself, so Bert rode up on the guy. He was sitting there frying some bacon—seems to be the principal meal on the trail in those days. I can imagine what condition the bacon would be in that heat.

Bert got off his horse and says "The jig's up. I'm the United States Marshal." He says, "Yeah I know who you are, Bert." He says, "It just so happens that you don't have any jurisdiction." He says, "Right down there below, that clump of bushes, is the California line. You don't have any jurisdiction. There's not a damn thing you can do." Bert pulled

his pistol and says, "All right, get up and turn around. I'm a United States Marshal. I ain't no damn surveyor, I don't know where the lines are at." He said, "As far as I'm concerned, we're still in Nevada." And he took him in.

*That has been a long time ago.*

A long time ago. I guess that was when he was very young. But he lost it—poor old man. He was just a wonderful human being. Maddy Graves was a Harvard graduate, and he let you know it in a hurry. Maddy was in a case with me, and the judge took it under advisement. I kind of knew what bad shape he was in, because I saw him all the time you know over at John Cope's house. I represented the defendant in a case, civil case, and I knew I would never hear from him again, when he took it under advisement. Six months passed. Maddy stopped in my office one day and he said, "You know the judge has had that case under advisement for six months." He said, "Let's go over and remind him of it as he's obviously forgotten." I said, "Well, I guess that's what you should do, Maddy, but I'm not going with you. I'm not going to contact him." I figured I'd never hear from the case again. Why should I go over there and kick a sleeping dog? By God, Maddy went. He really pissed the judge off. Maddy would not win a contest as the most likable lawyer in town. In fact, I guess, about then, there were about twenty lawyers in town. He would be about twenty-two in the vote. He really pissed the judge off. I get a call from the clerk the very next day and he says, "Judge Henderson is ready to rule on that case." We went over and he began to talk and it wasn't the same case. He got it mixed up with some other case. Maddy looked at me, and he looked at the judge, and the judge looked at me and I sat there.



Finally Maddy, couldn't stand it any longer and he jumps up and he says, "Your Honor, that's not the case we tried!" Judge Henderson says, "It's not?" He says, "Well, what case did you fellas try?" Maddy says, "I told you." The judge wrote it down and didn't even tell his clerk to go get the case. He wrote it down, you know. He says, "What's the number of that?" He wrote it down. He says, "Very well, let the record show Mr. Graves representing the plaintiff is present and Mr. Claiborne representing the defendant is present." He says, case number such and such, and he read off of his notes. Number such and such. Maddy smiled. God he was something. He said, "Very well, the court finds for the defendant and against the plaintiff together with the defendant's costs." Maddy's mouth flew open. We went out into the hall and he says, "You knew all the time it was the wrong case, why didn't you join me?" I said, "Well, every lawyer in town knows Maddy not to interfere with anything you do. I didn't want to interrupt you." He says, "I don't know about your ethics, Claiborne." I said, "There's nothing unethical about keeping your mouth shut, as far as I know." Well, he took an appeal; he lost that; yeah, God.

*Was Judge Henderson still on the bench when he died or did he retire?*

No, he retired. But he died within a year.

*We talked about Bugsy Siegel. I understand he was a very charming man.*

He was. He was. You would never in a million years believe that he was a gangster. Soft-spoken, just a very nice man.

*I know that Louie Weiner represented him on matters. Did you ever represent him?*

No.

*Were you ever involved on the other side or anything?*

No. I only represented one member of the mob in my whole career. I stayed away from them. I could have represented Lucky Luciano. How he knew I was in New York, I don't know. But I went out there to a Yankee ball game. I'm sitting there and a fella came up and introduced himself, his name was Williams. He said, "Mr. Luciano would like to have dinner with you." I went and he propositioned me to be their lawyer, among others, I suppose. Probably were looking at Las Vegas then. The mob had killed a lawyer and I think his name was Greenleaf or Greenbaum, in Los Angeles. He represented the mob and they found him one day on the side of the highway shot in the back of the head. Then I knew his name. I looked right straight at him without smiling and I said, "I've got all the practice I can handle." He said, "Well, we'll pay you good." I said, "It's not a matter of money, it's a matter of time and obligations to other clients. And furthermore, from what I read in the L.A., papers your lawyers don't live very long. I'd like to live to at least ninety." He laughed. He just laughed.

*What year do you think this was?*

Oh. I don't know, probably 1950.

*Did Judge Henderson leave a family? Did he have children?*

No. He didn't have any children; neither did John Cope.

*Who replaced Judge Henderson on the bench?*

George Marshall.

*All right, we'll get to our stack of newspapers. Review-Journal, April 23, 1951, "Hospital Court Sets Initial Hearings for Death Driver." There was the preliminary hearing for an ensign by the name of Bruce R. Pierce and apparently the preliminary hearing was held in the hospital. He had killed somebody in a three-car collision on 5<sup>th</sup> and Charleston. Do you remember that?*

It went to trial and I won it. They tried him for manslaughter. Reckless driving case, high speed and reckless driving and that's where they got the unlawful act. But truthfully, he had an epileptic seizure. It wasn't talent that won it. He truthfully had an epileptic seizure. That's why he was acquitted.

*How did you prove that?*

With doctors. His history. He was in the Navy and the Navy didn't even know it. But he was a nice, nice young man. Good appearance and, of course, we dressed him in his finest sailor suit.

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## NEWSPAPER HEADLINES AND CASES

*Here's April 15, 1951, headlines: "North Las Vegas City Dads Plan Shake Up Among Employees." Apparently they let go a lot of these people at North Las Vegas, including you, and you had been the attorney since 1948. Tell us a little bit about your experience as the North Las Vegas city attorney.*

Well, I'll tell you, I was, at one time or the other, city attorney at North Las Vegas, city attorney of Henderson and city attorney of Boulder City. One time, I was city attorney at the same time I was deputy D.A., of North Las Vegas. I think. I got a run on them I guess. I listen to these things, and Jesus Christ, I can't believe it. Seems like every day I was in some kind of fight about something.

*What kind of work were you doing for the city of North Las Vegas?*

Well, I was prosecuting misdemeanors. But there weren't too many of those and I was writing opinions for the city council. I sat with them during the meetings and they

referred their municipal questions to me. I had some, without a written opinion, and most of the time off the cuff. Only about fifty percent of that time did I know what I was talking about. But I found out early down there, it's not what you know that counts, it's how you say it. You can be wrong as hell, but if you say it with conviction, they believe it.

*Apparently the new city fathers came in. There was Mayor Kenneth Reynolds and Councilman Earl Webb and Councilman Homer Carey. Do those names sound familiar?*

They sure do. I guess they canned all of us. George Franklin became the new city attorney?

*Oh, it doesn't say that, but is that right?*

Oh, I'm pretty sure.

*The only one that they kept was Roy Parrish; he was the chief of police.*



Harry Claiborne as he appeared for work and court, circa 1950s.

Chief of police, yeah.

*What was the reason for them getting rid of everybody? Do you remember?*

They just wanted their own people in, you know. I was tickled to death because North Las Vegas had begun to grow, at that time, and they had immense problems down there. All the streets were gravel. Jesus, that was some of the least of your problems. It got to be a lot of work. McDaniels was the mayor when I went down there and Jesus, he had all kinds of ideas. He was a wonderful guy and he was too intelligent for that job down there. Well, he was the Oscar Goodman of North Las Vegas. He had a lot of dreams and they were not unsound, but they were incapable of being accomplished. I don't mean to infer that Oscar won't accomplish all of his, he may. I wouldn't bet my house on it. He was constantly in my office talking about something. I say unquestionably, from the get-go, when I left the D.A.'s office, I had all the goddamned law practice I could handle. I never knew what it was to struggle. But this time, I wouldn't leave him. But it was really a burden.

*It was a part-time job for you wasn't it?*

Oh yeah. It was a part-time job. Hell, I wouldn't have taken that full-time. I don't know what they paid me; I think it was something like \$250 a month.

*Roy Parrish was a policeman around here for a long time. Did you have many dealings with Roy?*

Lots of them. Roy was a city policeman or a deputy sheriff—I don't know which, one or the other. City policeman, I'm sure, when he got the chief of police job down there. Roy

Parrish was a good cop, nice man until he took a drink and that was often. Then he was one mean man. In other words, he was just like they say, meaner than a junkyard dog. Boy he was. And he got into a lot of trouble down there, and he got out of a lot of trouble. I think he was finally canned.

*After he left there, did he go with metro or what happened to him?*

I don't know. It seems to me in the back of my mind that he went into some administrative job in the city, I think. I seem to recall that.

*I think his son went on to become fire captain.*

Yeah. Roy used to come and see me all the time. because somehow or other, I liked him. I had lived over on Rancho and I had a circular drive in front of my house lined with olive trees. He got drunk one time and took out an olive tree driving into my place. Bounced off the olive tree, hit my daughter's car, drove it up on the front steps of my house. That was a visit I could have well done without. I didn't have the heart to make him pay for the damage.

*He was a pretty big guy, if I remember right.*

He was a big guy. He was a big guy. I worked with him as a cop. Oh, hell. I almost got fired over him. Roy Parrish and another uniform guy were sent down to one of the local clubs. I don't remember which one, but there was a handicapped man. A man with one arm that was much smaller than the other. It ended just below the elbow and it looked like his hand was attached to the elbow. He was winning at the 21-table. There was a prizefighter around here called Jimmy Williams. Jimmy Williams was a

pretty good fighter. They were having a fight here about every Saturday down in what was called Helldorado Village. It was located on the corner of Fifth Street and Bonanza. He fought nearly every week down there or at least every other week. As did Captain Sparks who was the captain of detectives with the police department, but they never fought each other. They called him "Bad Boy" Williams. Everybody. He was the town bully.

He walked up behind the old man and took a handful of his chips and went and gambled them away. Came back and took another handful of the old man's chips, and the man called one of the floor men and told him what he had done. The floor man went over and told him to take the chips back to him and not to do that anymore. He got up and hit the floor man, knocked him down and split his lip open. Well, the floor man knew him and he wasn't going to fight a prizefighter. Two cops went up there, one of them was Roy Parrish and the other was a guy by the name of Whitey Bunker. They were both big guys. They were riding together and they were called in, Captain Patterson sent them up there. He resisted, but these two guys were as strong as he was. By God, they got him cuffed and brought him down to the jail, wrote their report and went off of their shift. He [Williams] was whipping everybody [inside the jail]. They had put him in the only holding tank that they had, called the Blue Room. God it was awful.

When I was a detective we used to throw guys in there and we knew they were going to plead guilty in three days. They couldn't stand that damn place. It's the truth! I mean hell, throwing them into the Blue Room was tantamount to a guilty plea. And it took some tough human being to stand three days in there. Boy, the urinal was a pipe in the middle of the floor and all of these bunks was around

it. It was God-awful. The worst place I've ever seen in my life. Ever! So, they put him in there. Before they started to the door, after they made their reports and get back in their car, Patterson yelled "Come back, come back" and they came back. He was in there beating the hell out of all the other prisoners in there. They were all up on the top bunk trying to get away from him. Roy Parrish had the jailor open the door and he walked in there. He [Williams] picked him [Parrish] up bodily and threw him against the wall and broke his leg. Bunker couldn't get him out.

I get a call, "Get down to the station in a hurry." I guess I was the only cop they could locate. Or, maybe I was the closest, I lived down on Seventh Street. I got down there in a hurry, it's an emergency, get down there in a hurry and I did. In fact I ran. I got in and they told me what was going on and I said, "Hell. You mean Parrish is in there and you can't get him out?" He said, "Yeah." He's lying on the floor with broken legs. Yeah. He [Williams] just picked him up and threw him against the wall, as big as he was. He shouldn't have gone in there by himself.

About two weeks before that, I was in the chief's office and he was showing me some riot sticks that he got. Unfinished riot sticks. three feet long, made out of hickory. He handed me one and he says, "You could do a job with this, couldn't you?" And I said, "Yeah." I turned to Patterson and I said, "I'll get him out of there." I went into the chief's office. That box was standing in the corner with the top open and I just pulled one of them out. I said, "Pat, do you have a—," he was the captain, I says, "You have a sap in there anywhere?" And he said, "Yeah." I had a sap and I just put it down in my belt and then I said to Whitey Bunker, I said, "All right. I'm going to occupy him while you drag, you guys carry him out." The jailer was standing there. Bert Wiley was



a real fat guy and I knew he was no help. I said, "But you help drag him out." I stepped in there and he had his back to me. He had a prisoner and he was banging his head against the bunk, bottom bunk. I said, "Williams." He turned around and I hit him just like I'd hit a fastball. Boy, he went down and they started dragging the guy [Parrish] out, the riot stick just shelled and went everywhere. I must have hit him harder than I meant to. I grabbed this sap and I jumped on him. He was trying to get up and I knew if he got up I was in for it. I started hitting him in the head with this sap. Pat Clark was a City Commissioner.

*Pat Clark Pontiac?*

Yeah. I guess he's dead now. He has to be. Hell, I'm living and I'm sure he was older than I was. He walked into the station for something and he hears all this. He goes in and I'm pounding this guy in the back of the damn head with this sap. But, when he looked in, all I had was leather cause I had hit him so hard that I had busted the leather open. It was full of BBs and they went flying all over the jail and he's out. I knocked him out. I got up and I started out the door, and I looked, and there stood Pat Clark. He looked at me and he says, "There was no need for that." I said, "Roy Parrish is on the way to the hospital with a broken leg." I said, "I took care of the situation the only way that I knew." And he said, "You be in the mayor's office at ten o'clock tomorrow."

I went down and Ernie Cragin was the mayor. A little old Italian fella, I can't remember who he was, was the other commissioner. Oh, guy who used to run a little Italian diner, guy who used to run the drive-in down there next to where the Stratosphere is now. Baskin. Bob Baskin. I

go in. Finally I was sent in because I had waited and they called me in. And he said, "Mr. Clark has related what he saw at the station yesterday and he's asked that you be fired." I said, "I don't have any history of this kind of thing. I'm never involved in beating anybody up." I said, "They sent for me and they obviously sent for me because they figured I'd be the ideal person to take care of this situation." I said, "I took care of it and I took care of it how my senses told me to do."

I said, "This guy's a bad actor. There's no telling how many prisoners in there he would have maimed and how many other officers that he would have injured. I beat him up." Clark says, "Well, I don't think you're wrong for hitting him." He says, "But I stood there and watched you after he was knocked unconscious, you still pounded him." I said, "I didn't know he was unconscious. I stopped when I realized he was unconscious." Pat Clark says, "Well, mayor, I still want him fired and I want a vote on it." The little Italian guy, whoever he was, said that he didn't think it was the thing to do.

This guy had a terrible reputation. He's a bully. He began to name a lot of people, course none of whom I knew, that this guy had beaten up. Some very severely and without cause or provocation. Pat Clark said, "I still want him fired." They took a vote on it. It was three to one against firing me. I didn't know it at the time. I thought I was real close to getting canned but I found out later that I could have killed the guy and they wouldn't have charged me. The funny thing about it, Pat Clark and I became very good friends. I found out, oh, I guess maybe five years later, that Williams' mother and Pat Clark were very good friends. If it had been John Doe, hell, he'd never said anything about it.

*Whatever became of Williams?*

He got convicted of burglary and served a term in the penitentiary. Then, got his parole violated and then went back and did some more years. He got out and came to Las Vegas and he was living off of the streets and eventually died. He thought all the time that I was Jack Barlow. People would call me Jack; they'd call him Harry. We did look amazingly alike. Williams thought it was Jack Barlow who beat him up.

*Good for you.*

Good for me. But he eventually found out who it was. I'm sure it was him that did it. I'm in my patio at home and I had a TV out there. This was when TVs were relatively new. I think we only had two stations here at that time. He was out on parole and I'm sitting with my back to my bedroom. The patio had four French doors that opened up on it. I sat down in a chair, cool night, and I got hit in the head with a steel pipe. I know it was a steel pipe because there was rust from it in the cut. It didn't knock me unconscious; it just kind of addled me. For a minute I didn't know where I was or what had happened. I was bleeding profusely. Dr. Sylvain, he's dead too, lived right across from me over in the circle. I walked over to his house, I got a towel, put on it and he sewed me up at his house. He poured rubbing alcohol on it—sewed me up. I never filed a report. But somehow, either I saw him going out before I passed out or before I got semi-conscious. I was figuring that if I reported it and they arrested him, that he really would finish the job. I don't think that he would have ever got convicted.

*How big of a guy was he?*

He was big. I'd say he was about six feet two inches weighed about 240 pounds. He

didn't have an ounce of fat on him either. He was really, really, strong.

*He must have been a local guy.*

He was a local guy.

*The R-J, June 3, 1951, you were representing the wife of a rancher by the name of E. R. Van Horn. Do you remember that? It was in a divorce. I'm not sure why this is newsworthy in the newspaper. I don't know if Van Horn had a big ranch or what it was.*

Boy, I remember Van Horn. I don't remember anything about that, but I do remember I represented his wife—a divorce case. I remember representing a Van Horn but I don't even remember what it was about.

*Here's October 12, 1951, headline "Emma Jo Johnson found guilty of second degree murder," do you remember that?*

Well, there was an old lady who lived in a house then right across from the old federal courthouse and post office down on Stewart Street. Emma Jo Johnson, she and the old lady [Jane Jones] got into a fight. An argument. Neither one of them struck the other—it was just a loud fight. The son, who she had trouble with all the time, walked in. There was another roomer. She rented out the rooms. There was another roomer who heard the argument, didn't see it, but heard the argument and then heard it stop. And then, heard the son come in. Well, the son testified that he stepped up on the porch and before he got to the porch he heard the argument. Then when he got into the house, he found his mother lying on the floor. He picked her up and went and put her in the bed. Later on, he thought she was just resting and he couldn't wake her up. He

wanted the car. He wanted to wake her up and ask where the car keys were, and she was dead.

I know Emma Johnson would never, never kill this woman. When you handle a criminal case, and if you've done it very long, you pick up enough inconsistencies in the defendants to get a pretty damn good feeling whether your client's guilty or not. I always got the opposite gut feeling from her. Then, when I started investigating the son, he was constantly badgering her for money. I came to the conclusion that he killed her.

*How old was the son?*

Twenty-eight. I think he killed her. I think he saw his opportunity. She had an insurance policy, I think was \$25,000, and that was a lot of money in those days. He had every reason to kill her. Emma Jo Johnson had none. The argument was over something to do with leaving the lights on when she went to work.

*Something about undelivered mail.*

Yeah. That's right, that's right. Undelivered mail.

*In the newspaper, it's talking about your argument. The state claims that Emma Jo Johnson used a can opener to beat the victim. You were arguing that the autopsy revealed that there were only three bruises and one wound the size of a pencil point. She probably died of natural causes rather than anything stemming from an altercation. Does that sound familiar?*

I don't know what I argued.

*I get the idea from the newspaper that this was a high publicity type of case.*

Oh, it sure was. It sure was.

*Did she serve time in prison?*

Oh no. Oh no. I didn't take the appeal. Some organization took over her case after about a couple years in prison. No. I think they appealed to the [Nevada] supreme court. The supreme court didn't release her on her appeal from the trial. She was released on *habeas corpus* proceedings, which was appealed to the supreme court and the state court was affirmed. I think she only did a couple of years. She was a good person. She worked somewhere uptown as either a waitress or cocktail waitress or something.

*Did you ever see her after the trial?*

Yep.

*Apparently, their key witness by the name of Mickey Owens [Vincent "Mickey" Owens].*

That's him. That's the son.

*He was in the Bataan Death March?*

Yeah. Funny. He claimed, he claimed. We didn't discover that he wasn't. He was in a signal corps division of the United States Army and stationed, I believe, in Guam. Never was in the Philippines. Never! But I didn't discover that. She had limited money. As I remember, she had a boyfriend that helped her raise some money. God, I wish I could think of that lawyer's name in Los Angeles that was going around, all over the country, trying to get people out of the penitentiary. He was a Los Angeles lawyer. God. His name was Ware or Win. But anyway, he got interested in her case and he was the one who took out the *habeas*.

He had some organization behind him and furnished him his money to do these things. I can't think of his name. Al Wire. Anyhow, the poor guy slept in his car. He'd take these cases. He didn't have money enough to sustain himself on them and he'd sleep in his car. Yeah. He discovered that the son of a bitch was a phony.

*According to this, Mickey Owen was the only witness.*

Yeah. That's true. I understand, on the *habeas corpus*, that they just riddled him. They started exposing all of this.

*Here's one on March 3, 1952, "Hearing set for Horace D. Windham." A Los Angeles gambler, apparently it was an extradition type of a case. Does that sound familiar?*

Yeah. Yeah.

*Looks like that was the extent of it; it was an extradition case. Here's one on March 21, 1952, and the headline, "Trial of Marrying Ed Greenley Moves Into Last Stage." He was the justice of the peace at Goodsprings. Do you remember that?*

Yeah. But I don't know what happened.

*It says that Greenley was accused of performing unauthorized marriage ceremonies. JPs did a lot of marriage ceremonies over the years, didn't they?*

Oh yeah. They got rich! Yeah. That's where Mahlon Brown got all of his money. God a whole string of them. Old Jim Brennan. They got rich! [Joe] Pavlikowski. Judge [Myron] Leavitt.

*Didn't the county commissioners finally put the kibosh on the justices of the peace performing marriages?*

Yeah.

*It doesn't really say why this "Marrying Ed Greenleys" marriages were inappropriate, but they were happening in Goodsprings. Maybe this falls into the category of a slow news day, but on May 27, 1952, the headline says, "Rattler Bites Local Attorney."*

Oh, I went out to my stables on a Sunday morning, to feed my horses. It was my habit to get up around six o'clock in the morning, and go out and feed my horses, then have my breakfast and then ride until noon—ride straight through. There were no houses between my place and Mount Charleston. I went out there Sunday morning, I reached for the feed bucket and this rattler was coiled up beside the feed bucket and he nailed me. He nailed me on the little finger. I had two white spots for years. I don't know when they disappeared, but there's just one little sign there now. I went to the hospital. I killed the rattler. Threw him in the back of my pickup and drove down to what was the county hospital then. Hell, it was a block from my house. I went in and Mary Kennedy was the head nurse. I knew her. Al Kennedy was one of the MPs that I brought into town and he was her husband. I said to Mary, "A rattler nabbed me." She said, "All right." She said, "I'll get a doctor right quick for you."

A doctor from Mississippi had just moved here by the name of Schwartzfagger. Real big man. I saw him come down the hall with that Mississippi accent and he said, "You the boy that that rattler got?" I says, "Yeah." He says, "OK, let me look at it." I showed him.

Already the son of a bitch had begun to swell up and he said, "Hmmm, how you know it's a rattler?" I said, "I know it is." He said, "Are you sure?" I said, "Yeah, I'm sure." He says, "Well I gotta see it, I want to see it." I took him out to my truck. Some male orderly walked out with us. He said, "That don't look like no rattler I ever saw." I said, "Where are you from?" He said, "I'm from Mississippi." I said, "The rattlers in Mississippi are like where I come from and that's Arkansas." I said, "They're timber rattlers and they're darker. The diamonds are a little different. This is what's called a sidewinder. They are peculiar to the west." He said, "A sidewinder?" I said, "Yeah they crawl like this—that's why they call them sidewinders." He looked over at that orderly and he said, "Boy, you know anything about rattlers." He said, "Yeah, and that's a sidewinder."

We go back into the hospital and he says, "OK. You sit right here, I'm going to go get some medicine." Now, he comes walking in and said, "We haven't got any anti-venom!" I said, "What are you going to do?" He said, "Mary's calling around trying to find some in the state. We'll see what she's done." We walked into Mary's office. As we walked into the door, she said, "Jack Stagg's Drugstore down on Fifteenth Street has some." "Well," he said, "I tell you what, I'm getting worried about the time that has passed." He said, "Instead of sending down there and getting it, me and you'll go down there." So, we go down to Fremont Drug, I think that was the name of it, Fremont and Fifteenth Street. Jack Stagg's gets the anti-venom. The doctor gets the syringe and he's standing there with it in his hand. He says, "I gotta go use the telephone a minute." More times elapsed. So he calls somebody on the phone. I know now who he called, [Doctor] Tim Smith. He called

him. "Tim, this is Jimmy," he says, "I got a boy here that's been bitten by a rattlesnake, how much do I inject and where do I inject it?" So I guess, Tim said between the bite and my heart. As far as I know. So he shot it to me right up here. I felt nothing, but my hand, Oh God, did it hurt. But I felt all right. I didn't feel sick.

I had a friend that was going out to the Wrangler game, baseball game. I'm out there sitting next to him. I'm looking. Pretty soon there's two first basemen, then two second basemen, two pitchers, two shortstops. I thought "Uh-oh." Boy. I turned to George. I said, "George, will you drive me home?" He said, "Yeah." I went up and told Barbara, my wife, "I'm getting sick, I'm going to go home." She said, "I told you, you should've stayed home." So I called old Jimmy. I said, "I'm really getting sick." He said, "Sure, you'll get sick. You ain't going to die but you'll get sick." Boy was he ever right. I got so sick; I got out of my head. That night I was blabbering. Goddamn.

*How long did that last?*

Oh, my hand was swollen up four or five days. What scared me was that these two fingers, this one, well, my whole hand was swollen up—even back here. These two fingers turned blue. That's what worried me, scared me.

*Did you feel OK the next day after you slept?*

No. Not really. I guess maybe it was a couple of days before I felt normal.

*Serious business then.*

You see, we lost about two hours with all of this rigmarole.



*How long did that doctor stay in the Las Vegas area?*

Oh, God. He stayed here for years and years. He had a rock walkway. Somebody had watered some shrubs and the water ran on the walkway. He come out of his house and his feet slipped out from under him and his head hit the rocks. He was paralyzed. Had some severe brain damage. He never practiced anymore. He went back to his home in Mississippi.

*How old of a guy was he when that happened?*

About thirty-five—somewhere between thirty-five to forty. Wonderful family.

*On September 5, 1952, headline “Conspiracy Charges Shouted by Plumbers.” You were representing J. T. Franklin, a contractor, and, plumber Nat Lewis. City licensing and there was a city inspector named Art Angel who would not apparently give these two fellas a building license. And it sounds like the city commission hearing got a little heated. Do you recall that?*

It did for sure. It did for sure. I was involved in all of those fights down there. I don't think I missed any of them. I guess the word got out, I was the guy to fight the commission. Hell, I wasn't always successful. I was a great number of times, but you know, they got the leverage on you to start with. But I didn't lose any time, I just whipped them in the court, you know. I remember that.

*Do you remember Art Angel?*

Oh yeah.

*What was the problem with him, holding up people's permits?*

Well, he didn't like the guy. He had favorites. What was the other guy's name with Franklin?

*Nat Lewis.*

Nat Lewis yeah. Well you see, Provenzano [Bernard V. Provenzano, d/b/a OK Plumbing & Heating Company] was the big plumbing company here then. They had a monopoly. Bob Bizina used [Angel] to keep the competition down. To keep the competition down and that's what it was. Hell, he'd go in and red tag. He was in charge of licensing, he was in charge of approval of plans, he was in charge of permits and he was the inspector on the building. He was a one-man building department.

*So, you'd simply argue it before the city commission and then you'd appeal to the district court?*

Oh yeah. Oh yeah. I'm getting the impression that I was the only show in town.

*Well, I think the newspapers apparently thought that. You got a lot of news.*

Small town. I was the electric wire. They didn't have much news.

*OK, November 23, 1952, “Writ Frees Joseph Stacher [Joseph “Doc Harris” Stacher] to Stay Out of the Hands of the New York Authorities.” Apparently what happened, is that Governor Russell issued a warrant permitting Stacher's return to New York State. You surrendered Stacher to Woody Cole who was the constable and then got an order from Judge Henderson ordering Cole to produce Stacher in his courtroom. Several days after that, the court*



*thwarted the New York warrant. Do you recall that incident?*

Oh man. I was attorney for the Sands and Joseph Stacher, alias Doc Harris, alias ten thousand other names, was a high roller at the Sands. He was from New York. He became a central figure in a racetrack investigation in New York. In fact, he was indicted in New York on twenty-five counts. He was in Las Vegas at the Sands gambling at that time. They arrested him. I got bail put on him quickly and he was free. In fact, the same thing happened twice. A guy called me on the phone. He wouldn't tell me who he was, but he said two state patrolmen are on their way from New York and they are going to kidnap Stacher and take him back. In other words, you have to be in custody in order to get a writ. I turned him over to Woody Cole, a friend of mine. I went in and surrendered him to Woody Cole. I went to Bert Henderson's court and filed a writ of *habeas corpus* and got an order setting a hearing. Of course, the order and the writ always read to come forth and produce the body. Nobody can seize him and take him after that order is signed. Then it becomes kidnaping. That's the way I did to get him in court. So then, they were forced to go through regular procedures. In other words, they had to get out an extradition warrant from the governor of New York, present it to the governor of Nevada and get a warrant from him sending him back to New York.

Well, the governor got the warrant and he set a hearing in the governor's office. He ordered him sent back to New York and I asked the governor, I said, "Will you give us some time to take whatever legal remedy we want to take before you sign the warrant?" And he did, he agreed to it. Well, I went right straight to Ely, filed a writ and got a bond. We

tried the case in White Pine County. I did that because Harry Watson was the judge and he had a reputation for denying extradition. Starting back a good many years before that, when some of the members of the Purple Gang, they tried to extradite some of the members of the Purple Gang. He was sitting in Reno as a visiting judge and he heard the case and he refused to send them back. I heard about that. [C. E.] "Dutch" Horton was on the case with me. I got him to come in on the case. Nice guy and damn good lawyer too. When I went in to hire Dutch, he said, "Well, you used good judgment," and then he named a number of people that he refused to send back. I don't know why. You're in a good atmosphere. Jack Streeter was the D.A. in Reno. George Dickerson was the D.A. in Vegas, [Jon] Collins was the D.A. in White Pine County. I don't know how it came about, but all three of them appeared and represented the state. When I got into the case, we didn't have the Uniform Extradition Act and the law in Nevada was that you could go behind the indictment. They had adopted the Supreme Court of the United States decision. It was Joseph Smith, the Mormon prophet case. Supreme Court of the United States had ruled that he [Smith] could force the state of Indiana to offer proof in the state of Missouri, where Joseph Smith had fled, that he was guilty. That was a phony deal anyway from what I read of the decision. He wasn't even in Indiana. They were going to kill him and he fled to Missouri. In order to get him back and kill him, they created a murder charge.

The Supreme Court said that the asylum state could require the demanding state to prove his guilt. So Nevada adopted that. It never adopted the Uniform Extradition Act, which only requires identification and that he is legally charged in the demanding state

of a crime. This thing was Saratoga Track, Saratoga, New York. He wasn't guilty of a single one of the counts. Not a single one of them. They had damn near no evidence of that fact. We tried that case up there for a week and the damnest snowstorms you ever saw in your life. I'm leaning on my bed after court. I rolled over. I was just resting before I went to dinner, and I rolled over and my damned ear hit the radiator pipe that ran down through the building. I heard voices when my ear hit this pipe. I put my ear up against it. I listened and I recognized Streeter, Dickerson and the D.A. from New York. I laid there and I listened. Holy God, they are talking about kidnaping him again! They're saying, "We've lost; we've lost this case." They're talking about the two guys being on the way; that the best way to do it would be to just take him out of his room in the nighttime. They're going to get some help. I listened to all this. Hell, I was late for dinner. They had this meeting going, they were on the phone with the state police there in New York. They were going to arrive the next day. No airlines into Ely at that time. They were going to have a deputy sheriff from White Pine County meet the plane in Salt Lake City and he was going to drive them over.

I had a private detective that worked for me named Bud Bodell. He was really good, really good. I always had him in all the important cases. I took Doc Stacher and put him in my room. I put Bodell in Stacher's room. I took Bodell's room. About 2:00 that morning, there was a knock on the door and Bud knew what it was. He took his pistol and went to the door and he said, "Who is it?" And the guy says, "I'm the desk clerk." They didn't have them at that hotel. And he said, "I have an important message for you." Bodell opened the door, pulled the gun on both of them, and said, "What are you guys trying to pull?" I guess it was two state patrolmen that

weren't too brave, and they said, "Don't shoot us! Don't shoot us! Don't shoot us!" They probably thought old Bud was one of the mob.

Well, sure enough, I go over the next morning and I tell the judge that they tried to kidnap my client last night. Highway patrolmen from New York. I started raising hell, and I wanted Streeter and Dickerson put on the stand. Watson says, "Well, that won't be necessary. They're all officers of the court." He says, "All right, let me hear about this thing from you." Dickerson and Streeter denied knowing anything about it. I laid there for an hour and a half and listened to those bastards plan it. They were denying vociferously that they knew anything about it. Well, they went back. Watson ruled in my favor. They went back, drove back to Reno, and then they were yapping in the newspaper. Streeter wanted an investigation of the judge and started yelling bribe and all of that business. They just got their ass whipped, and I mean not just a margin or two, they got pounded. They were both good lawyers but they just got pounded.

*Do you think that Jon Collins was involved in that as well?*

I don't know, I think he knew about it. But they took away the case from Jon Collins. I don't think Jon Collins was too happy with it. But he didn't do anything in the case. I mean, he just sat there.

*Did this happen at the Nevada Hotel? Was that where you were staying?*

Yeah. You know something? I never told either one of them that I knew what they were planning. They always figured the patrolmen got the wrong room. They always figured that because I talked to Dickerson.

*Whatever became of Doc Stacher, did he ever come stay in Las Vegas?*

He practically stayed down here. He was scared to go back to New York. They could re-arrest him if he went back to New York. I think he got an apartment or a condo, I know he didn't buy a house. He thought he better stay here until he cooled out back in New York. I know where he eventually went. He was indicted federally for something and he made a deal. His lawyer propositioned them—he'll go to Israel and stay there, if you'll dismiss. I guess they had a very, very weak case on him. They made the deal. I know this from a guy who knows all about him, and he died last year. But he told me that he went to Israel to talk to Doc—probably went to take him some mob money—and that Doc told him that's the worst deal he ever made in his life, that they were bleeding him dry.

*Is Bud Bodell still alive?*

No. He's been dead many years.

*Was he your investigator that you used on a lot of cases?*

Nearly all of them—major cases I had.

*What was his background?*

He'd been a deputy sheriff in White Pine County and moved down to Vegas. Opened up a private detective's office. He was just a country guy, sharp as a tack, and whose judgment was just absolutely unerring. He was the best investigator I ever saw. Maybe Tom Dillard is as good, but no better.

*Is Jack Streeter still alive? I think he is, isn't he?*

Oh yeah. Oh yeah.

*He's up in Reno still, I think.*

I don't want to indict myself, but I almost said, "Bad people live forever."

*But you caught yourself before you said that.*

I would have died myself.

*December 15, 1952, headlines, "Judge Refuses to Dismiss Kassabian Case this Morning." Apparently he was charged with abortion, you were special prosecutor on this case and apparently some witnesses did not show. You asked that it be dismissed, and then later on, you left the special prosecutor. Do you recall that?*

See, I went back several times in the D.A.'s office to try special cases. Up until the law was changed, where it says that the D.A.'s couldn't have private practice. I went back on a bunch of cases. I know three murder cases, Kassabian, a couple more but I don't remember. I went back five or six times to the D.A.'s office to handle one case. Every time I'd go back, they'd have to swear me in. I remember [Levon G.] Kassabian. It was an abortion case and about halfway through the Kassabian case I had a disagreement with the D.A. Kassabian wanted to plead guilty. He wanted to deal. The deal was reduce it to a misdemeanor and fine him. I wanted to accept. I don't know who the D.A. was. It was [Roger] Foley. Foley was Catholic and he was gung-ho about abortion. Constantly, he just said, "No way, try him." He asked me to come back to the D.A.'s office because he figured I would hammer the guy. He was a doctor, and of course, as far as abortion is concerned at that time, there was no big abortion fight. It

was a crime, but the country wasn't divided into two tents over it. But he wanted the guy put away and he wanted him salted good. I didn't agree with him. I didn't think abortion was that big of thing. Still don't. But he did. I guess, that abortion was worse than murder. Well, it is murder to him. Until the day he died, he thought it. He was kind of a cheesy doctor. But Roger Foley would be absolutely amazed as to the people, that he knows real well, that had abortions by him. And a lot of them are members of his church.

*Did you step down as special prosecutor on this case?*

Yeah. I don't know how it came about. I think it came about the same time that I reported to him that I'd been offered a deal. I don't remember who the doctor's lawyer was.

*Defense attorneys, George Rudiak and Francis Horsey—did they eventually go ahead and try him?*

Yeah, they did. I think he was acquitted.

*Did he stay around and practice medicine in Las Vegas?*

No, I think he lost his license over this. Yeah. I'm pretty sure of that. For years he had a ranch over there right in the center of, in that area behind, all that land over there used to be his ranch, called Kassabian Ranch. Behind where the Housells' hotel [Showboat] used to be. My God, I guess he had a thousand acres.

*He was a long-time doctor around Las Vegas then.*

Oh yeah.

*Here's a case that you were simply called as a witness. It was September 2, 1953. It had to do with a robbery at the Ringside Liquor. A man by the name of Walter Dye claims that a man by the name of [Lloyd] Waxler claimed that you had represented him at one time. Does any of that sound familiar?*

I never represented him. This guy claimed that I represented him during certain phases of his case and I never heard of the son of a bitch. Never knew him at all, and didn't know anything about his case.

*Why would he say that you represented him?*

Well, he had a conversation with a sheriff or police officer, I was present with him, and you know. I don't know what in the hell he was trying to pull.

*September 24, 1953. You attend the wedding of Rita Hayworth and Dick Haymes. You were listed as Dick Haymes' lawyer who had apparently just gotten a divorce just prior to that. Tell me a little bit about Dick Haymes and Rita Hayworth.*

She was a beautiful woman, I'll tell you that. She makes your mouth water. She came in. Her Los Angeles lawyer [Hollywood lawyer] called me. Asked me if I'd handle her, and I said, "I really don't handle divorces." I do but I don't make a habit of it, but I'll handle her. She came in and I represented him in the divorce. She told me, that she and Dick Haymes were going to get married as soon as he got his divorce. She wanted to know if she could do that immediately after, was there any waiting time. I said no. You could get married one minute later if she could arrange it. There was nothing to it. He got his divorce and they got married the next day.

*Now you were representing her? Or were you representing Dick Haymes?*

I was representing Haymes. I saw her first. She came in first to talk to me and then Haymes showed up, I guess it was the next day. She wanted to talk to me privately.

*It was an uncontested divorce for Haymes?*

Yeah. He was married, at that time, to Nora Eddington [Flynn], who was the widow of [Errol] Flynn.

*She was his widow? And then she married Dick Haymes and that's the divorce that you'd done?*

Yep.

*And then you went to their wedding?*

Yep.

*I've actually heard of these cases, probably in law school. The Ray Estate. A building down on Fremont Street was in a series of litigation. I have at least four supreme court decisions having to do with certain aspects of it. Tell us about that.*

Hell, we were in Court for ten years. I was brought into the Ray Estate by her lawyer. I think, but I'm not sure, it was George Rudiak who tried the case. I know Howard Cannon's old partner—that old judge from Winnemucca. [Hawkins] represented [Robert E.] Barringer. He was the illegitimate son.

*Set it up. What was this case all about? [Carl Ray died sometime in prison to 1953.]*

It started out, it grew legs. Yeah. Damn did it ever. Anyway it started out, a guy named

Barringer claimed that he was the illegitimate son of Carl Ray, who owned the Ray building down there. For years, it was the only office building in Las Vegas. Every office either had a lawyer or a doctor. We tried it. I don't know whether I won or lost in the appellate court.

*He was contesting the will, was that the idea?*

Yeah. And we lost that, because, boy, he proved it [that he was the illegitimate son of Carl Ray]. No question about him proving it. And Ralston Hawkins represented him. Art Ham represented the estate, and I represented Mrs. Ray. That was the first one. The second one was over a prenuptial agreement that Mrs. Ray had with Carl Ray at the time they married. We won that one. The reason we lost the first one was old Judge Hawkins had it, and the reason we won the second case was Art Ham was on the other side. I know that one went to the supreme court and the supreme court reversed it. I don't know. Like you said, there's so many of them growing out of the same case. It went on for ten years I know that.

*Did he have any property besides that office building downtown?*

Yeah, he had some money.

*Nineteen fifty-three, the headline says, "Ex-North Las Vegas Clerk to Admit Embezzling." North Las Vegas City Clerk Blanche Fisher.*

She was accused of embezzlement. I don't remember the outcome, what the outcome was. I just remember the case and I remember her real well. She was the city clerk when I was the city attorney down there.

*Sounds like she pled guilty to one count of embezzlement according to them.*



Probably.

*She probably hired you because you were acquainted with her.*

Oh, yeah, I know her real well. I was working with her you know, down there. She was a wonderful person, which shocked me, you know. And she was guilty as hell, you know. [laughter]

*Looks like the auditors by the name of Robinson and Wood from Salt Lake City may have uncovered it. Does that sound familiar?*

Yeah, yeah. Yeah, I know that they did yearly audits for the city when I was down there.

*Well, it says here that she embezzled a little over seven thousand dollars.*

A lot of money then. We wouldn't even prosecute you now for it. [laughter]

*OK, now we're at 1954. January 4, 1954. Headline: "Mystery Woman May be Named By Ex-City Head." Says the "Former city manager Raymond Carey will sue Miss June Stowe, the mystery woman who charged the proposed marriage for a \$3100 loan." Does that sound familiar to you?*

No.

*[laughter] There's a good story there somewhere. You represented a Sol Gershenhorn and D. H. Caplow in a non-jury civil suit. It was a civil suit and it looked like had to deal probably with some . . .*

Building where the Peppermill is now, over that property.

*So, a property dispute over that. On January 5, 1954, the headline is "Claiborne and Wendall Bunker Tangle In License Revocation Hearing."*

[laughter] We tangled. I started out fighting with him. You gotta know the city of Las Vegas at that time. When they talk about the growth, I want to get nauseated when I read about all these old guys responsible for all this growth. That's all baloney! When I started here, this town was a clique. Absolute clique. About ten guys ran the town. McCarran ran the state, even though he was a United States senator—a very powerful man. Of course he was the last senator that was chairman of two committees. They abolished that system later on and the rules of the Senate are that you can't be chairman of two major committees. One is all. He was chairman of appropriations and judiciary at the same time. And that's power. Besides that, I mean, he had a machine in this state that you were either for Pat McCarran or you didn't get nothing. Proper word would be anything. [laughter]

And Las Vegas was, just one clique ran it. They talk about growth. I was the guy who broke the redlined district for gambling. The city council met, they took a map of the city of Las Vegas, they took a red pencil, and they ran a line and passed an ordinance that no gambling pass outside that area. And I fought with them for a year on that. I guess to the general public, they thought, "this was a guy to get if you've got a fight with the city council." That's the best way I can describe it. It seemed like I was down there every week fighting for somebody. I made it very embarrassing for them all the time. I'm surprised that [laughter] I ever won with them. And I don't think I ever did. I would whip right into district court.



*Sounds like he [Bunker] maybe had a little temper himself.*

Oh, he was a high-tempered guy. I wasn't bad at it, you know.

*And apparently there was some kind of revocation hearing that was sent to your client C. Van Patten. And in the revocation letter, it didn't indicate what the grounds were. And that was the part that you jumped on them about and referred to it as being a "Star Chamber." And reading, Bunker said, "I don't appreciate your remarks about a Star Chamber," and Claiborne said, "He didn't care what the commissioner thought and added he was representing a private citizen." But, it sounds like this was before the days of open hearings.*

I'm not sure if this one was before closed doors but I remember distinctly in this case. I recall that before I came into this thing, they had a meeting in which they had given him notice. They didn't state the time or the date of the hearing. And they revoked it at that meeting. He wasn't even there. Of course I went back and forced them to have a hearing on it.

*A comment was made in here that "when pressed to explain the Star Chamber charge," Claiborne said, "The Board kept seventy-five people waiting for forty-five minutes before the board was convened." Do you remember that? Was that back when they were in their own meeting?*

Yeah, yeah.

*Here's a divorce case, Norma Brewer McCall [70 Nev. 287 (1954)]. Does that sound familiar or sound significant?*

[laughter] All I remember is that it was a divorce case.

*OK. We're changing directions here. March 5, 1954, headline: "Claiborne Crashes Into Democratic Governor Race."*

Oh God. That's a long story to that! I was in Washington. I went back to Washington. I was trying to get a piece of land right where Whiskey Pete's is. Three guys down in Bakersfield, I mean, Barstow. I ran into all kinds of trouble. I went back to have a little conference with the assistant secretary of the interior. I dropped by to see McCarran afterwards. I didn't get any results. I went by just to say "Hello" to McCarran. He took me all around and he was very gracious. While I'm there, he asked me what I was doing there, you know, and what business I had. I told him. Well, C. D. Baker was planning to run for governor. He was a state senator then. Boy, this is behind the scenes stuff. He said, "Now, I'm going to get you your three acres." He said, "You come back tomorrow." I came back the next day and he said go back and he gave me a name. I went back to see him [government person] and they agreed to sell it. I went back to see McCarran and to thank him. I got to see why he was the kingpin of Nevada politics. He says, "Nobody gets anything for nothing. You know that, Harry." And I said, "Yeah, I know that. So what do you want from me?" He said "Baker's going to announce a run for governor." He said, "I want that son of a bitch buried." He said, "I understand you and Baker don't get along, that you didn't get along in the legislature." I said, "That's right." He said, "I also understand that he dislikes you very much but also, I understand, he's scared to death of you." I said, "Well I don't know that anyone's scared of me." He said, "He

is." When he starts putting out a word that he may run for governor, he said, "I want you to announce you're going to run too. I will tell you when to run." I said, "Shit, I don't wanna be governor." [laughter] I said, "I have too much fun practicing law." I said, "I don't wanna be governor, for Christ's sake." He said, "Well, you do it anyway, and you don't have to really do it." He said, "That'll back him off. As sure as I'm sitting here." I said, "All right. I don't have much choice, you know." He laughed.

I got the land for my client and one day I read an article "C. D. Baker states that in all probability he will run for governor." The *Review-Journal* in those days was the evening paper, the only paper. It came out in the evening, so I read it that evening. The next morning, I walked in the office and my secretary said, "Senator McCarran is on the phone. Wants you to call him immediately. He's waiting." So I called him. He said, "OK." He said, "Baker said in all probability he'll run. You announce today. Don't say you may run, say you are going to run." I never felt so stupid in my life. I get a phone call from Al Cahlan who kept his finger on the pulse of the community for Pat. I get a call he wanted to see me, so I go down. He said, "Did you get a hold of the senator?" I said, "Yeah." He said, "OK. That's a fair story." And it came out. Thank God he didn't run.

*So Baker did not run?*

No, nope.

*Who ran for governor that term?*

I guess it was [Vail] Pittman.

*Pittman. OK. It says other candidates expected to file for governor are Vail Pittman of*

*Ely. A .C. Grant of Las Vegas has already filed. Was that Archie Grant?*

Yeah. Archie didn't file, I don't think. Oh maybe he did. I don't know.

*And then it says, "Claiborne's announcement followed yesterday's disclosure from Elko County's District Attorney Grant Sawyer that he would not seek the Democratic nomination for governor, despite a political move to draft him."*

Yeah. Nobody drafted him. What happened was that McCarran, in all probability, called him up and said, "Listen Grant, forget it." That's probably what happened.

*That was the draft?*

It was called a reversed draft. [laughter]

*So what happened to you and your campaign?*

Oh no, I never filed. Oh no. But I was ready to, you know. But he never filed.

*And he was state senator at the time?*

That's right.

*So he just went back to the state legislature?*

Yeah.

*The next article is just three days later, on March 8, 1954, and the headline says, "Claiborne's Story on Backing Hit." Some skepticism was thrown into the Democratic candidacy for governor by Harry Claiborne when a prominent Reno resident denied that he discussed Claiborne's political future with him.*

Yeah that lying bastard. Bill Graham. I was in Reno. It was called the Bank Club. When I went into Reno, I always went into the Bank Club. I'd either eat or talk to Bill. His partner was a guy named McCain. I'd talk to him, you know. He heard somewhere that I said I might run. He was very prominent in the McCarran machine in Reno. He said, "I see that you're toying around with running for governor." I said, "Yeah." He said, "Well, I'll tell you right now, I'll help you." He said, "I'll help you up here." I mentioned his name and I guess he was scared. I'm sure he knew they already got Pittman to run. He was scared to death about McCarran was going to get madder now because he was bullshitting me. He thought he was going to get into trouble. So they contacted him and he denied it.

*In fact in the newspaper article, he claimed that he's a Republican.*

Yeah, he is. He was. Yeah. See that, he played both sides of the fence. Hell, his organization was made up with as many as Republicans as it was Democrats. Except down here, there was no Republicans.

*And they referred to them as the "McCarran Boys."*

True. Yeah.

*Back to the practice of law. March 25, 1954. Headline: "New Hartley Case Angle is Developed By Sheriff." The sheriff's deputy was confronted with the many-sided investigation into the grisly murder of James Hartley, sheet metal executive, whose body was found in Paradise Valley. The suspect was a sheet metal union member named Sheldon DeWitt Rich that they had arrested. Do you remember that case?*

Well I think it was a labor killing. Hartley got on the "outs" with the union. I can't think of the defendant [Sheldon DeWitt Rich]. I don't think he ever had a damn thing to do with it. No. I really don't.

*It says that Rich has maintained silence and the only statement he says is, "I will protect them and they will protect me." And then the deputy says that their informant claimed that if Rich gets out of jail, there is every possibility that he may be found dead. Do you remember anything about that?*

Yeah. Of course. I don't recall that statement he made, but they maintained at all times that the union leaders, Alsup and Handley, had him killed. Had Sheldon kill him. I don't really think that he killed him. I mean, he probably knew something about it. And I'm sure that's what he meant when he said, "They'll protect me and I'll protect them." I always took that to mean that he had some knowledge of it and he was going to protect them.

*The paper also says that the books of the union show that they were about \$50,000 short and that the books had not been audited for more than five years. The audit was made by a man by the name of "Red" McGregor who was a friend of one of the men that were looking into the whole thing. Does that whole thing sound familiar?*

[laughter] No.

*Did this case go to trial?*

Yeah. They charged him with something else. They didn't have enough evidence but they charged him with something else. We won that in the preliminary hearing, I remember that.

*On March 31, 1954, headline says, “Strip’ City Between Here, Los Angeles Proposed.” There is a prospect of a new strip sixty miles closer to Los Angeles and it has to do with a Reno gambler by the name of Ernest Primm wanting to develop some property. In that same article it says that it was learned that attorney Harry Claiborne contemplated construction of a super gas station, restaurant, and tourist center in the same vicinity in partnership with others. That’s the deal that you were talking about?*

Yeah, that’s the deal I’m talking about.

*I didn’t realize that Primm was from Reno.*

Yeah. See, he had a casino there for years and years and years called the Primadonna. Right downtown; right across the street from the original casino owner. What the hell was his name up there? Harold Smith. Right across the street from Harold’s club was Primadonna.

*Is this all part of the same package . . . Primm and the acreage that you were—.*

No. No. The guy down in Barstow sold the property to them [Primm].

*OK. There was a gas station down there on that property . . .*

That’s the property of my Barstow clients. They started Whiskey Pete’s.

*Did you know Ernest Primm?*

No.

*I wonder what his motivation would be back then to come out and build something out in the middle of nowhere?*

Whiskey Pete’s was a bar, restaurant and a space for a gas station—small little place.

*Did your clients from Barstow ever develop that three acres down there?*

No. They just built Whiskey Pete’s—that little old place. It’s small, you know. There was another one just like it about halfway between stateline and Las Vegas, owned by an old man named Pop Simon.

*Pops Oasis?*

Yeah, yeah.

*Did you know him?*

Oh, real well.

*Tell me a little bit about him.*

He was a grand old man. He made a lot of money. He’s got a son and daughter here somewhere now. But he didn’t make it in that little old station. It was a good place to eat. He had really good food, not fancy, but the best chili outside of the old Horseshoe chili—and I’m a chili hound—that I had ever eaten in my whole life. I used to drive down there especially to get a bowl of chili. [laughter] Of course, I became friendly with him. He wore overalls all the time. most of the time, he looked like he had been dragged five miles down a gravel road behind a truck, you know, but he was a delightful old man and I really liked him. I don’t know how much land was there, but he had a lot of land. I think he had a desert land entrance [Desert Land Entry—a federal land act] and he could have gotten up to 160 acres. I’m sure that’s what he had, but he filed on and eventually got a patent. But part of his land was . . . beautiful rock. He sold the

rock to all these buildings. They all had the Pop Simon rock around here—that used rock. It was gorgeous rock. That's where he made his money. I'm sure he didn't spend any of it, you know. His daughter married a very prominent man here at that time named Bob Kaltenborn. I don't know whether she was still married to him when Bob died or not, but I think so. He was much older than her.

*I think his son Peter is still around Las Vegas.*

Nicest guy in the world. I mean he just had wonderful kids.

*Peter has a very nice home on the TPC golf course and he has several rock walls that were made from that rock from his dad's quarry.*

It's beautiful rock, isn't it? Just gorgeous. At my old place over on Rancho, I had two fireplaces, one in the den and one in the living room, and he gave me the rock. God, I knew him a long time then, because I built that house in '53.

*The rock was located right there on that property?*

Yeah, yeah. I bet there's a lot of that rock still there, you know. My God, that whole mountain under that dirt was about, I guess, three feet under that dirt, was the most gorgeous rock you ever saw in your life.

*Changing subjects just a little bit. Did I understand that after the Second World War, there was some provision where veterans could buy land in the Las Vegas area for a reduced price or a minimal price?*

I'm not sure whether that was the benefit thrown out to them or not. But I do know that

in the Desert Land Entry, a lot of these people around here filed on 160 acres here and there. In fact, Al Kennedy, who was in the sheriff's department, and I filed on 160 acres. That piece of land now is in that area where the Showboat is. We finally decided to just give it up. Yeah. So, we didn't pay the fee. It went back to the government. I wish I would have kept it.

*When you said you filed on it, did you have to make some type of promise for improvement or assessment work?*

Yeah, you had to under the Desert Land Entry Act; unlike the Homestead Act, you had to make improvements on it, and within a year. The Homestead Act, you actually had to plant a crop. Under the Homestead Act, you had to build some kind of a dwelling. I don't know how often through the years you've driven to Los Angeles? If you get right out of Barstow, way back, there used to be a whole desert south of Barstow. You'd see little houses that looked like outdoor toilets, all over that area. Well, there was five-acre homes and that's what people built. They went out there and built little old outdoor toilets, and called it a dwelling, because the law didn't prescribe how many square feet a dwelling had to have. And that's what a lot of people did.

*Did a lot of people do that here in Las Vegas as well?*

No, I don't think so. I don't recall if that ever occurred. But most people filed it under the Desert Land Entry [Act] because there's more land, you know. I bet the Homestead was restricted to five acres, as I recall.

*Now, do you think that Pop Simon filed under the land act?*



I'm sure he did. I'm trying to remember in talking to him, you know, that I really believe that he had 160 acres that he filed under the Desert Land Entry Act.

*There was a [Nevada] Supreme Court case [73 Nev. 58 (1957)] entitled, Roy Earl and Edwin J. [Ted] Dotson vs. Las Vegas Auto Parts and Harry Claiborne. Apparently, there was a fee dispute on a case that you had taken over for them. You had substituted in for them, and there was a fee awarded, or probably a contingency fee, and they filed on an attorney's lien. Does that sound familiar to you?*

Roy Earl. I know they had been in this lawsuit. Roy Earl was a idiot. I have no hesitation of saying this on the record—he was an idiot. If he's still living, then excuse me. I can get 500 witnesses. He had this lawsuit, Las Vegas Auto Parts, and he wouldn't return his phone calls. There was a million things he'd done wrong, you know. Finally, they got disgusted and they canned him. They came in, and wanted to hire me. I talked to Roy and I said, "You know, I don't run under any lawyer." I said, "But he wants out." He said, "I'm sick and tired of him, the owner." Anyways, I send a substitution over. There was no mention, you know, that I'm entitled to so much or I think he had it on a contingency basis of a third. There was no agreement. No written agreement. I went ahead and tried the case. I won it. And the next thing I know, I get a bill. I told him, "You know, you didn't do a goddamn thing but file a complaint." I said, "You didn't earn anything. You hurt him more than you helped him." Anyways, he filed a lien and we went to court on the lien. God.

*Went to the supreme court on it?*

Yeah.

*The headline on the paper of May 23, 1954, "Reid 'Attacker' Held. Trial Is Set." Max Rothman named by associate editor Ed Reid as one of the men who attacked him in a so-called hoodlum assault at the Desert Inn last March. And apparently it involved a woman by the name of Kappy Gardner. And you represented Max Rothman. You recall that case?*

Yeah.

*Tell me a little about Ed Reid. Was he the one that was involved in the Green Felt Jungle book?*

Yeah, he's the author of it. He was a reporter for the *Sun*. Hank Greenspun. He wrote a column and he was a journalistic slasher, you know, wrote that kind of column. Frank Rothman never laid a hand on Ed Reid. I know who did. [laughter] But Frank Rothman never laid a hand on him. Frank Rothman, I would say, a second-degree crook. [laughter] He never was a mob member, but he hung around. He was a wanna-be hoodlum, that's what it boils down to. I don't know who Ed Reid attacked in his column.

*It doesn't talk about that. It says, "Rothman said he met Reid at a strip hotel pool and a girl who was named Kappy Gardner, the blonde over whom the beating allegedly took place." Apparently, they're saying that this occurred over a woman.*

Yeah. I thought it occurred over something that Ed Reid wrote, but I remember that it happened in the men's room of some hotel. I've forgotten the hotel. I remember that the attack took place while Reid was urinating. [laughter] And he claimed that he was hit from behind. The truth of the matter, is somebody hit him and knocked him goofy.



I think hit him from behind. And, as sure as I'm sitting here, he was acquitted. And I know that the *Sun* [newspaper] ate me up for days about it. I'm cheating justice again. But it wasn't Frank. I know who it was, and that the guy who did it was in a column. That's what it was. The guy who was in the column went in and knocked him on his ass, and was going to really do a job on him but knocked him out, first blow. He never saw who did it. He had no idea who did it. Now, it's coming to me a little. I guess he and Rothman had some words over this whore, I mean, she was a prostitute, yeah. He said it was him that hit him. He had no idea who hit him, you know.

*Did the Rothman case go to trial?*

Yeah. Oh yeah, it went to trial. And he was acquitted.

*How long did Ed Reid stay in the Las Vegas area?*

Only two, three years—yeah, a very short time. He used himself up in a hurry, you know. *Green Felt Jungle*, that's what he wrote. And it's not very factual.

*On March 11, 1954, there are more captions under some photographs. But it says, "Two murder suspects are involved in the 'Bloody Sunday', June Sixth slaying on the west side." One person was Sheldon Berry and the one you represented was Dewey Bullock. And they were charged with the slaying of Edward Hamilton. Do you remember that case?*

Mmm. No. I just remember that I represented Dewey, but I have no idea. I don't remember the facts. The district attorney was George Dickerson. [silence] Well, I know that Dewey owned a grocery store over there. God,

all I remember is their names and they were tried for killing somebody.

*Do you think that case went to trial or do you remember?*

I don't remember. I don't remember.

*Who was the guy that you think hit Reid? What was his name?*

I'm not going to tell you. [laughter] I know it wasn't him. The guy is still around here. Yes he is, and I'll tell you something else. He paid my fee. [laughter]

*On June 17, 1954, there's an interesting headline in view of what we said earlier: "Verbal Battle Missing In City Board Meeting." It said that you were before the public water works on the Meadows Addition and had a session with that board which involved none of the usual verbal bombardment. This was before the board. So, apparently, when there was not a fight, that was newsworthy.*

That was newsworthy! [laughter] Yeah. Oh God.

*Meadows Addition. Where is that?*

Just east of Fremont and Charleston intersection.

*Down by the Showboat area?*

Yeah. East of the highway over there—that whole area is. When I was a cop, I had one of the funniest things. Detective Patterson calls Joe Bremser and me in. Patterson says, "A guy called and said there's a body hanging in a tree over there near that area." On the left hand side going out on Charleston was no houses.

It was all desert. There was a lot of desert area around both sides of the street. He said, "Why don't you two guys go out and check on it." Well, we spotted the guy in the tree from the road. It was about 100 yards off of the road. We started to cross there and walking across that desert area. I don't know whether you have ever smelled a human body that had begun to decay. But I'll tell you, it's the worse smell. You can't believe how nauseating it is. The smell begins to hit us—that odor begun to hit us. The closer we got.

Finally I reached over to Joe and said, "We're not going any closer." We were already so close we could see how bloated his body was, you know. Joe said, "Well, hell, we have to." I said, "We don't have to." I said, "You come with me." Joe was a senior officer. We go back to the car. We got up to where Fremont is and there's a gas station on the corner and I say, "Pull in here." He said, "Boy, I don't know. You're getting us in a lot of damn trouble." I said, "No, no, just trust me, Joe." So I go to the pay phone and I call the sheriff's office. I said, "My name is Herbert Thompson." I said, "Down there," and I identified the district. I said, "There's a body hanging in a tree." Roy Trahan was on the phone and I knew Roy real well. He had picked up on nothing, you know. He said, "Where do you live?" I said, "Never mind," and I hung up. Joe's standing there and he says, "Goddamn." We drive on back and Patterson says, "OK, what's the deal?" I said, "The sheriff's office is taking care of it." He said, "Oh good." [laughter] And they did, I know that for a fact.

*Here's a case in the paper. June 18, 1954, where there were three people accused of taking money under false pretenses and their names are Douglas Anderson, C. L. Woods and Cleo "Tex" Cantrell. And you were representing one*

*or all of them. The names—does that sound familiar?*

Yeah. I remember those guys were cheaters. Chip suspects. I hate to tell you but they were acquitted, too. Tex Cantrell. I remember the case. Cantrell manufactured some casino chips. The other two guys, they were passing them. Cantrell was making them; they were passing them for him, and splitting the money. That article says they passed \$2500. Oh, \$2500 in phony casino chips. I know Johnny Lytle, JP [justice of the peace] turned him loose at the preliminary hearing. Tex Cantrell was related to him.

*The JP? [laughter]*

I thought, maybe a cousin or something. [laughter] Could've been his brother.

*Did Tex stay around or did he leave the area?*

Oh no, he lived here until he died. He was a local cheater—all he did. That was his profession. Tex Cantrell probably would be voted into the hall of cheaters fame. He invented the dropping and picking a quarter, attaching a string to it and dropping it down in, and pulling the handle down.

*In a slot machine?*

Yeah. [laughter]

*He was the inventor of that?*

Yeah, he was the inventor.

*Think he got a patent on that?*

Probably!

*Did you represent him in any other cases?*

No, no.

*Here's an article on June 18, 1954. Says, "Double Jeopardy Case Set Today." It pertains to Gerald Robert Henley who appeared in McNamee's court in attempt to gain freedom, they found a habeas corpus and double jeopardy was the basis for his plea. You were claiming that he was in jail, charged with a crime, and he had already been convicted and sentenced for it. Do you recall that? Gerald Robert Henley! Henley pleaded guilty to grand larceny and the judge sentenced him to one to fourteen years, instead of two to fourteen, as the law provides. The case was then dismissed and new charges were filed. And apparently that was the basis for the double jeopardy.*

Well, I had to have won. McNamee agreed with me. They released him from prison. They say I pulled a "sharp tactic."

*Pretty good compliment.*

Yeah. It was probably worth \$25,000 in that article alone.

*Hard to get that kind of publicity, isn't it?*

Yeah. You know what is funny about this thing? It could run right back in the court in the judge's sentencing. But, when he signed the judgment, he lost jurisdiction. When I was on the bench, I always waited at least a week before I signed the judgment. To see what was happening, you know. Probably because of that experience, I don't know.

*Here's another article on August 11, 1954, and it's a follow-up on the Dewey Bullock matter. It*

*says here, "Murder Suspect Wins Delay To Seek Freedom." Apparently Mike Hines went over for you on it because it was understood that the state's only eyewitness, Walter Fields, vanished from the area the night before he was to testify and is now being sought by the FBI for unlawful flight. Do you remember anything about that?*

How can a witness be guilty of unlawful flight?

Well, if the FBI says they are, they are.

I know man, I tell you; don't I know that.

*It says, "Claiborne indicated that he will claim that Justice of the Peace [John V.] Lytle bound Bullock over for felony trial without sufficient evidence." So, do you remember eventually what happened to that case?*

I thought Lytle dismissed it at the preliminary hearing, but apparently he didn't. All I know is that according to that article, I must've filed a writ.

*And here's one on August 17, 1954. William Lawrence Helsel, a local resident, was accused of attempted bribe of a police officer, and you represented him. Tried to bribe Officer Larry Gullo with a hundred dollar bill after his arrest for a DUI.*

Crazy kid. He did it. But the only unusual thing about it is that the cop turned it down. Yeah, that was the newsworthy part. He probably got kicked off of the force.

*Here are a couple of articles on a different issue. Here's one on August 23, 1954. And the headline: "Fall Racing Plan Going Ahead Here"; the next one is "Turf Club Race Dates*

*Verified.” The Las Vegas Turf Club, headed by George Johnston of Los Angeles, was granted permission by the state agency to operate forty-eight days of racing, had a special meeting in Ely. You were the part owner of the Nevada Breeder and Racing Association and you claimed that the commissioner’s action was illegal since your group had been granted similar racing dates.*

The same dates.

*Tell me about your involvement in the horse racing business.*

Well, I was running horses. I had an average of about six horses. I ran nearly all of the western tracks. I kept six because I was only equipped to handle six horses. I had my own van, a six-horse van.

*Did you keep them out on your Rancho property?*

Some of them I did and some of them I didn’t, of course. I raced six all the time but I usually had a couple over at Rancho that were sick or injured. I never had the same six horses. because you put a horse in it and most of the races are claiming races. They put a claiming price on your horse when you declared him to run and any other trainer or owner can declare him, you know. Can claim him. And, of course, the horse wins, you get the purse and then it becomes whoever claimed the horse right then. You lose horses all the time. So you use the same technique, say you race somewhere for that week, or just a week for an example, I mean, of course, you race a whole meet. You lose two horses, well, then you claim two more in some race. And that’s the way it works. I’ve claimed some

good horses and I’ve had some very good horses claimed—it just about balances out. Nobody ever puts a great horse in a claiming horse because you run the risk of losing him. Joe Wells, Cliff Jones, and I formed a racing association and we each owed a third of it.

*That was the Nevada Breeders and Racing Association?*

Yeah. And we built a track behind the Thunderbird Hotel. They gave that outfit the same racing duties that we had. You just can’t do, you know.

*Why did they do that? Was it some political reason or do you think they just didn’t even realize it?*

Well, I don’t know. For years, they had a county fair in Ely, guess for about fifty years or more. They have a race meet. It’s always been a good one. It attracts some pretty good horses. Horses were always below but, it attracts fair horses. I mean, people who are not running anywhere, you know. Maybe they picked up a little money, racing horses there. They just wanted our dates. And they got them. But we ran out here only about three, four years. We didn’t make any money. People, then, would just not go to anything like that. Nothing. It was amazing; like a ballgame, a professional baseball team. The Wranglers were here. Jesus Christ, no one went to the games, you know.

*Why do you think they wouldn’t participate?*

And they still don’t. Every one of these professional clubs that come here, go broke and leave—basketball, hockey, and everything else. I see now that they are going to start arena football here again. It busted out.

*Here's an article, September 15, 1954. Headline says: "Henderson Dad's Spurned Advice of Dickerson." Harvey Dickerson had informed the city council that the action that they contemplated was not legal and they were exceeding their authority and the ordinance would probably be ruled unconstitutional. However, Mayor French and the council hired Harry Claiborne as special council and had him draw up the condemnation ordinance. Do you remember that?*

Yeah.

*Tell me about that. Start from the beginning of your relationship with Henderson and eventually becoming city attorney.*

Yeah, probably. It obviously wasn't after I was city attorney.

*Right.*

That probably would've got me started with it.

*I think it was because I think I see an article a little later on that Dickerson left the city attorney and you replace him. How did you establish a relationship with Mayor French and the Henderson connection?*

Well, how I met him was, he cut off the guy's wrong finger. This fellow was a mechanic and he was working on a car. His hand slipped, the wrench slipped, and he cut . . . he stripped the blades of the . . . what the hell you call that? The fan, yeah, it hit the fan and cut his hand. And gangrene set in. He went to see French. French told him the bad news. He was going to have to cut his finger off. The guy came in, and I guess he had a surgical

nurse, and she wrapped the wrong finger. I don't know how they do it now, but then they wrapped a finger and they cut through the gauze, or the wrapping, whatever they use. So she wrapped the wrong finger. He goes in and French amputates his finger. Now the guy recovers and looks at the finger. It's still there, you know. He tells the nurse, "Jesus, he cut the wrong finger off." She went flying out of there and told French. So French had to go then and cut this one off. He got both them goddamn fingers cut off. I didn't represent the guy. I don't know why it wasn't an insurance case. I presume because French didn't have any malpractice insurance. A lot of doctors then didn't have malpractice insurance. So he sued French. This guy was from Boulder City, but French was in Henderson. Later on, he [French] built a hospital in Boulder City. He came in and hired me. And we settled it. His lawyer was the great constitutional lawyer, George Franklin. My dog was a better lawyer. I know we finally settled it for something like \$2000. I think the client at the time, when he got ready to go to trial, was ready to take anything.

*And you represented Dr. French?*

I represented him. That's how I met him and that's how I got started.

*What was your motivation for going to work as the city attorney of Henderson? You had just finished up at the North Las Vegas, as I recall.*

He called me up and he told me that he had just been elected mayor and I want my own people. He said, "Would you come out as city attorney?" I said, "God, No!" I said, "I just don't have the time" and he said, "Well,"



he said, "Would you come out and stay six months?" He said, "There's a lot of things I want to do and I want your advice and your help to at least to help me make plans." I said, "I'll come out for six months, Jim." He said, "OK." I guess I stayed maybe three, four years, I don't know.

*Was French mayor the whole time you were there?*

Yeah, yeah.

*And what were the circumstances of your leaving?*

He left Henderson and went to Boulder City. Didn't run for re-election. When his term was up, I quit. He quit.

*You were also city attorney for Boulder City, weren't you?*

That's right.

*And how did that come about?*

Very short time. He was elected mayor of Boulder City and that was another six-month thing. I agreed to come out and be the city attorney for six months. I went out and that was the worse job I ever had. Yeah. French and B. Bob Broadbent was on the city council and they fought over everything. Bob Broadbent ran the council. Jim French was a very, very strong man, very intelligent. No politics to him. If he got beat for re-election, he didn't give a damn. But he could've stay in either place forever. Broadbent was no longer the cock of the world. because every other mayor that had been there, he subdued them in the first thirty days. Bob Broadbent was

Mr. Boulder City. God, they fought constantly about everything. Everything!

*So at the end of your six months, that was it?*

No, I didn't stay six months.

*Oh, you didn't?*

No, I stayed three. I told Jim, "I'm going. Jesus Christ, life is too precious." I don't mind being in fights where I'm a principal fighter but if I'm between two fighters, I'll get killed.

*Here's a [Nevada] supreme court case [72 Nev. 62 (1956)] here. You represented a man by the name of Lawrence Hawthorne and it had to do with a usury interest case. Does that name sound familiar?*

Yeah, just generally. I don't remember it. You know, there's no usury law in Nevada? None. There was then. I think it was sixteen percent or something like that.

*Then there's another case: Tanner Motor Tours and you represented Yellow Cab, Lee Speirs, doing business as Boulder Cab Company. It looks like it was a fight over some authorizations on a contract.*

Yeah.

*Walter Richards versus the City of Las Vegas and the commissioners. Richards was elected judge of the municipal court for a term; and then, something to do with the elections. Was Walter Richards a lawyer?*

No. I'd put him into this. Walter Richards was an accountant and had offices across



the hall from me. You gotta understand, we didn't have any office buildings in those days. All of us were over gaming halls or, oh goodness, Walter had offices right across the hall from me and we were over the Las Vegas Club. I don't remember who was city attorney but I think the municipal judge was Gus Blad. Gus Blad was a rubber stamp. I wasn't doing too well before him. This was before the world started coming to my door, you know. I was taking whatever I could get. Not that this occurred at that time, but I mean, I was always pissed at Gus. I was over at his court one day with somebody, it was a friend of mine. I'd take cases to municipal court who were friends that graduated from being a police officer out here. [laughter] I would take cases with my friends and I would represent them. I'm waiting in the case, in the court there, for my turn and this mother of the Petersons, who owned the Westward Ho—Isle of something—they had just come down here from Wendover. She was there on some kind of a traffic violation. He was so rude to her. I got so angry at what I was seeing. Finally, I jumped up and went to the counsel table and I said, "Let the record show that I'm this lady's attorney," and I took after his ass. Absolutely was so angry with him, I told him, you're a disgrace to the bench. You should treat people, even people who are guilty, I said, with respect. There's no need for this. Finally, he dismissed the case. I went back to my office and I walked into Richard's office. He had a little problem with liquor so he didn't get down to our office very much, which is another funny story. He became a crusader against DUI. [laughter] He sobered up. I always said, we should've never, never let him sober up. Anyway, I went in and I said, "Walter, you going to file for municipal judge." He said, "I never thought about that." I said,

"You don't have to think about anything. I'm going to do your thinking for you. I'm going over and pay your filing fee," and I said, "I'm going to run your campaign and we're going to beat the shit out of Gus Blad." He said, "All right." And did just that. Went down and filed him and he did beat Gus. And old Gus moved right over as commissioner in the federal system.

*How long was Richards on the bench?*

Oh God, twenty years. More than that, you know, more than that. Because I had been a cop, I knew everybody on the police department. They used to rawhide me when I'd come in municipal court. And a lot of times they'd go in there to watch me. I was well liked with my colleagues down there. They weren't doing it because they didn't like me. They just liked to watch. I had a guy named Ernie Maddie. He got drunk and ran into a wall down between Fourteenth and Fifteenth Streets, plowed into somebody's brick wall—brick wall all around their yard. Cops arrest him for DUI. One cop I knew real well was Tex Skelton. When I come in with Ernie Maddie for the trial, he's standing there grinning. He said, "Hi, Harry. You bringing the guy's fine with you." My old buddy I worked with when I was a detective, Pete Reid's standing there, and I said, "Oh, do you think he's going to lose, huh?" He said, "I know damn well he is." He started to tell me how drunk the guy was. I said, "Well, according to the report," I said, "you're the only cop that was there." He said, "Yeah." I said, "Oh." I said, "All right. Tex, you're so damn sure, I'll bet you twenty dollars." I said, "That's about all money you're worth." He said, "Boy, you got it." I said, "Give Pete your twenty dollars. I don't believe you got twenty dollars."

He grabbed his twenty dollars and handed it to Pete, and I got twenty and I hand it to Pete. He starts and he testifies, how drunk he really was, he was staggering. Came my time to cross-examine him. I said, "Mr. Skelton, I only have one question for you. Do you have a wager on the outcome of this case?" He looked at me and said, "You rotten son of a bitch. Even you wouldn't do this." I said, "Answer the question. Do you have a wager on the outcome of this case?" And he goes like this. I said, "Judge, make him answer the question." He said, "Answer his question." He said, "Yes." I said, "No further questions, Your Honor. I move to dismiss." I said, "You can't find this man guilty on contaminated evidence." I said, "The man is betting on the outcome of this case." The Judge looked over at old Tex and said, "That's right Tex. Case dismissed." I started walking out of the courtroom and I heard a scuffle and I turned around and they're holding Tex. [laughter] Pete Reid and another cop are holding him. He's trying to get away from them and he's going to tear my ass up. [laughter] Ernie Maddie was the goddamn defendant.

*I assume Tex finally cooled off.*

Oh yeah, oh yeah. He cooled off within an hour. He said, "Turn me loose. I'll kill that bastard." [laughter]

*December 13, 1954, "Claiborne To Represent Fowler In Twin Death Case Preliminary." Says that you will represent Fowler at his arraignment and preliminary hearing but will not represent him if the case goes to trial. What was that about?*

This guy killed his wife. Fred Fowler owned a store. Fred Fowler was seventy, I

guess, seventy years old. This young woman comes into the store and she would talk to him and one thing led to another and he winds up and marries her. All the time, she had a boyfriend . . . in fact, all the time that she was trying to induce him to marry her, she was living with this guy. Of course, when they got married, she had to move out, and move in with Fred. She never changed, you know. She was spending the days with this guy and spending the nights with Fred. Finally he got wind of it and he killed her. Murdered her. She had really taken him too, money-wise.

*Why was it that you said you would represent him through the arraignment and the preliminary hearing, but not the trial?*

I don't know. I don't know. I highly suspect that he couldn't raise the money, I would think. That's the only reason that I can think of because this is not something I would ordinarily do. I went to jail to see him. I liked him. I heard his whole story. He couldn't raise the money to hire me. I felt sorry for him and told him that I would represent him at the arraignment and the preliminary hearing and that would give him time to secure counsel of his own choice. I don't think we had a public defender system then, I'm not sure but I'm pretty sure we didn't have.

*Nope, I don't think so.*

Yeah.

*It says in here that Frances Fowler, the thirteen-year old daughter of the defendant, Fred Fowler, was an eyewitness to the shooting. Do you remember that?*

Yeah, I'm sure she testified against him.

*And says that Emma Lou Cotner was the neighbor and was one of the friends of the victim. Was she killed too?*

He killed both of them.

*So he killed his wife and a woman friend?*

Yeah. Let me see. Hawkins said that two separate murder charges would be filed against the man.

*It sounds like he killed his wife and also killed the neighbor, right?*

Yeah, her best friend. It was her best friend. Goddamn. That headline. You see part of my name on it. He's representing death case preliminary. Jesus Christ. To this day, I don't understand how I got all the headlines. Surely there was something happening in the community more important than who the hell I represented. Wouldn't you think?

*Whatever became of that case, do you remember?*

He got life.

*Do you remember who defended him during the trial?*

I don't have an idea. I don't remember who defended him.

*Here's one. We talked a little bit about this. It didn't ring a bell with you last time. It's in the paper, December 19, 1954: "Dancer Buddy Kane Plays Ace in Hole: Claiborne. Dancer Buddy Kane got a temporary respite in his battle with state detectives in their attempt to extradite him." Do you remember that—a dancer by the name of Buddy Kane?*

Ah, you know, I completely blacked out on that. When I left here, I was trying to remember on the way home because that goddamn name sounds so familiar to me yet I don't remember a thing about it.

*On January 5, 1955, it says, Claiborne, new city attorney in Henderson, replacing Harvey Dickerson who was recently elected attorney general of the state. So that's the date you went to the city of Henderson. January 26, 1955: "Claiborne as Attorney for Davison Foreseen", and you indicated that you would represent Clarke Davison, suspended chief of police of North Las Vegas at a public hearing. The mayor, Dorothy Porter, reported that the city was seeking the services of an attorney to represent the council at the hearing in place of George Dickerson, who indicated that his friendship with Davison precluded him from serving as the attorney. Do you recall that situation?*

They tried to fire him.

*Who was Davison?*

He was the chief of police. Dorothy Porter was elected Mayor. She's a very pretty lady, and that was her only redeeming feature—was that she was good-looking. She was elected mayor and she didn't like him and asked him to resign. He wouldn't do it. So she canned him.

*Says in here that he was the police chief that had been with the city for six years, weathering two administrations and a grand jury investigation, and was suspended Saturday after he refused to resign because of alleged "unethical practices." The councilmen called both Davison and Sergeant James Bridge on the carpet in connection with*

*receiving payment of an overdue city license after the city hall had closed. Does that sound familiar?*

It was crazy, you know. This guy was a good cop. He really was. I knew him all the time he was there and I had a lot of dealings with Davison. He was a good man. He wasn't a brilliant man. He was just an average guy who wanted to do a good job in a fair way, you know. There's not a big market for fair people. I don't know, maybe it's the way I was a cop, I have a certain allegiance to police officers. I know what they go through. I know the risks they take. But non-aggressors don't last long in police departments. That's just a fact. Those that are most aggressive are the fellows that most times trample on the civil rights of people. But they are the people that get ahead in police departments most times.

The plodder—the guy who wants to do everything right, by the numbers, you know, without fanfare, they just don't get the consideration or promotion that they should get. He was one of these guys. He was good to people. This instance was, my God, was a battle station. He's sitting at his desk at nine o'clock at night and a guy comes in to pay his license fee. The clerk's office is closed. He walks across the street to the police station, walks into the chief's office and pays the money. The next day, he walks it over to the clerk's office. They wanted to fire him, but they already wanted to fire him. They asked him to resign, he refused to do it, you know. She got mixed up into something, I don't know what the hell it was, I don't remember now, but... she resigned as mayor, finally.

*Did he finally end up getting fired?*

Oh yeah.

*What became of him? Did he stay around the Las Vegas area?*

I have no idea. I don't know.

*On February 10, 1955, you're involved in a lawsuit over some lot in Las Vegas where you're representing Horace Heidt, the bandleader. Do you recall that?*

He's a nice guy. He built the Biltmore Hotel, up on Main Street [and Bonanza].

*That was a major hotel at one time.*

Absolutely, yeah. They had a lot of cottages, like the old [El] Rancho used to have. It was a good hotel, you know. I've been there lots. I had dinner, of course. I knew Horace real well after all the litigation was over. I recall that it was a, I don't know, over a ranch?

*It isn't very clear as to what it's about.*

I mean I had two cases going. I mean, I fought the city for a long time for a bar license.

*For that same hotel?*

Yeah. But they had been sitting there claiming that they passed an ordinance for limiting the number of bar licenses. And they denied him; in fact, they denied him twice. They denied him twice before I got into the picture. Finally, I think someone kinda told him, go get Harry Claiborne, he hates those sons of bitches. I represented him. I won for him, both cases. I tried this and I got his property back and attorney fees and costs, yeah.

*Is that the same property that we're talking about?*

Yeah, that was the hotel. It was- Clem Malone owned what was called the Western Land and Development Company. Clem Malone owed it, and he was a county commissioner. He owed the company. There was a whole bunch of lots that Horace Heidt bought out, you know. I think it was three lots that was owned by Western Land and Development, Clem Malone. He sold these three lots to Horace Heidt. Of course, they were just vacant lots at that time, and he built cottages on them. The son of a bitch turned around and sold the same three lots to other people, and maintained all during this suit that the Heidt sale was an error.

*Well, you tried the case and won on it.*

Oh yeah. I had three cases. I had this one. I had some kind of appearance. I don't know what. It seems like we built too close to the street, I'm not sure. I'm not sure. But it was some kind of appearance I had with the city. Despite the fact that he was dead right, you know, I almost lost it. They hated me so bad, they hated to see me given a break. [laughter]

*Horace Heidt—was he spending very much time in Las Vegas?*

He spent a lot of time here, yeah.

*Why was that, do you think?*

He was basically on the road, a road band. I think he just wore out. He was popular. I think he just wore out. That's what he used to say to me.

*He finally got the place up and running though.*

Yeah. Oh yeah.

*Now was he the sole owner of it?*

Yeah, yeah.

*What eventually became of that? I know that it's torn down now but why did it kind of fall apart?*

I don't know. He sold it to somebody and it just ran down. The area became bad. Nobody wanted to stay there. But, I mean, it was a nice little hotel. It was furnished really nice, better than any hotel in Las Vegas at that time.

*The area right to the east of that and to the north of that residential area was one of the nicer residential areas, wasn't it?*

It was very nice. Yeah.

*A lot of prominent people lived in that area back then, as I recall.*

Oh yeah, oh yeah. Well then, they were nice homes. Now they'd be considered a cracker box. Everybody thought my house over on Rancho was a mansion. You could put it in a living room in a lot of those Summerlin homes.

*What was the square footage on your place?*

Oh, hell, I don't know—about 6000 square feet?

*Sounds like a big house in those days.*

It was a huge house in those days.

*Who did you sell that to? I know that there are office buildings there now.*

The Quail [Park] outfit.



*That's who you sold it too? You had a racetrack there too, didn't you?*

Yeah, yeah. I had an exercise track there. It was about a quarter of a mile, all around the five acres. I had my horses there. My kids rode horses around it; all the neighbor kids. It was kind of the place to go, you know. I had a forty-foot long swimming pool. Separate barbeque building and all the shit that went with it, so all the neighborhood kids were there all the time. Horses to ride. I let them all ride them all, except my horse.

*As a matter of fact, I think you know attorney Mike Stuhff . . .*

Oh yeah. He was my paperboy. I remember one time, after he passed the bar here. I'm in court on something and he walked up to me and he said, "Do you remember me?" I said, "No, I can't say that I do." I said, "I'm sorry to say I don't." That's what I said. Something about him looked familiar but I couldn't quite place him. He says, "I used to be your paperboy." I said, "Mike?" He said, "Yeah." [laughter] I remembered him then, you know. Of course he doesn't look anything when he got grown as he did when he was a kid. He said, "You were always very nice to me." I said, "In other words, I didn't give a damn where you threw my paper, huh?" [laughter]

*A divorce case in March of 1960. That's when it was reported. Robert Schmutzer?*

He had the biggest nursery in town, called the Garden Center.

*Oh. It has you down here as representing him.*

I represented him.

*Says Jack Pursel represented her—anything unusual or interesting about that case? [silence] Here's one that's particularly newsworthy. November 17, 1955, headline: "Harry Claiborne Reported Ailing." You're confined to your home with a reoccurrence of a back injury suffered two years ago. The old injury flared up again two weeks ago while climbing the stairs of the courthouse to appear in court. "He was taken home and has been incapacitated since." You were injured two years ago when thrown from a horse and a spinal disc slipped out of place.*

Right. Yeah. Spinal disc? I've got terrible injuries in my back. I still suffer from it. I had one of my horses back in a track. He was at Bay Meadows racetrack in a race. All the gates on the starting gate open out, and there's two in each stall. Both of them open up at the same time, electronically. The starter presses a button and all the gates open, one of the doors on the gate didn't open, and the other one opened. The horses are trained to break, not when the gate opens, but when the buzzer goes off. Good horse, too. I paid \$30,000 for him, which was a hell of a lot of money, then, for any horse. The guy had a lot of future. It knocked the jockey off and scared the living hell out of that horse. We put him in another race and we couldn't even get him in the gate. They "declared" him. We gate-trained him with the track every morning for about three weeks. Couldn't get him in the damn gate. I had the trainer bring him home. I had a homemade gate, that I had manufactured myself to train colts. I had a dry-cell battery, and a buzzer alarm on one side of the gate. On the other side, I only had one gate. I had a rope that I could pull on the big spring and it would open the gate automatically. But I had to use both hands to push the buzzer and pull the rope at the same time. And so the reins would be lying on the horse's neck.



Well, I guess I would work for three weeks with this horse every day when I came from work. I'd work with him maybe an hour. I'd ride him through, stand him in there, even tied him up in there to get him accustomed to it for several days. My kids were back with their grandpa and grandmother and I was between wives. I got up on Saturday morning and I went out and I put a racing saddle on him, I rode him around and I led him right straight into the gate, stood perfectly calm. I reached over and pushed the buzzer, pulled over on the rope and he threw his head down before I could reach for the reins. Up that son of the bitch went, reins behind his ears and I can't reach it. All I can do to stay on him. I figured I'd really make him unmanageable if I jumped off of it. I stayed with him. At the end of my property down there was a board fence with water. He went straight down that track, bucking! I just got a hold of the saddle and I'm staying with him the best I can. I knew it was a mistake when I put that racing saddle on him that day. Because there ain't much to grab a hold of, just a little flap of leather in the back. The front is a little thicker. I was paying more attention to trying to hang on than where he's going. He tried to jump a six-foot wire fence and his front legs went right through the wire. He got hung up and he started falling. I tried to leap off of him and he fell right on top of me. I had this much from my body all the way down to my feet underneath him. He floundered to get up and I gained three or four inches. He actually fell on me six or eight times. I finally got up from under him and crawled over to the fence and walked around the whole property til' I got even with my back bedroom. I was passing out or nearly passing out the whole way. I don't remember much of what happened except I remember crawling in the grass and I know it must have been my backyard and got into my bedroom some way.

I called [Dr.] Ken Smith, his office. I knew that number. A good friend of mine, I had called his office. Never had called his house, as I can remember but I called his office many times. He answered the phone. He never worked Saturdays, but he had left some insurance papers for his wife to sign on his desk and he had to get up and go down to get them that day. He started to leave when the phone rang. He told me, he said, "Jesus, I thought if I answered that phone, I'd get stuck. Either the hospital or something." He said, "I got turned around because the damn phone kept ringing and finally I got to the door and turned around and then answered it and you said, 'Ken, this is Harry. I'm in my bedroom. I've been hurt. Please come.'" He called the police department.

One of my good friends on the force, when I was on the force, heard the message on the radio. He sped out to the house, he knew right where I lived. He said, he went in one side of my driveway and Ken Smith went in the other one. They tried the front door and it was locked. They ran around to the back door. Of course, Ken didn't know where my bedroom was, but I'm in my bedroom and I'm hurt. It [bedroom door] was open. They ran in, and I'm unconscious with the phone in my hand. He took me down to the hospital and I had surgery within an hour. I had a ruptured stomach and a hernia and my back injured.

There was only one orthopedic surgeon in town—an old doctor named Sutherland. Ken brought him to the hospital and he's going to operate on me . . . I wasn't going to let him operate on my back. What happened at the D.A.'s office; he operated on Bob Jones's back and he was never the same. I wouldn't let him do it. Occasionally my back would go out and my legs would go out. The damage, I guess, was a sciatic nerve, or something like that. I remember it exactly when it happened.

The old courthouse had marble floors that started at the door. It originally had only one courtroom and it was upstairs and they had these huge marble stairs up there—maybe fifteen feet wide with brass railings. The old courthouse was a beautiful old courthouse. I was about halfway up when my legs went out from under me and I couldn't move. I was actually paralyzed. I couldn't move. Now, when they x-ray me, they shake their head when they see my back. It must be in a hell of a shape. But I get along fine, you know.

*What became of the horse?*

I'll tell you what happened. They let me come home from the hospital and I got a hospital bed and I had round-the-clock nurses. I had a porch that led off from my bedroom at that time—later on I converted it into a patio. I'd have them push me out on that little porch and I could watch my horses graze around the land. It wasn't as confining in the damn room, you know. The first day that I was there, I said "Push me out there on the porch." The nurse did. I looked and there was this horse with his headway down between his legs and all bowled up. I had a black guy who took care of my horses and I had them go get him. I said, "How's the horse?" I said, "He's sick, probably ruptured something." I gave the nurse a card of a veterinarian. I gave him Dr. Clark's number and he called him and he said he was calling for me. He came out. We get back into the house and he said, "The horse is torn all up inside. There's a whole pool of blood." He hadn't moved. He'd walked out there and stopped. I hated to see him go. I guess he was the best-bred horse that I ever had.

*January 2, 1956. "Mayor French Says Harry Claiborne City Attorney." We talked a little*

*about this, but apparently Art Olsen was under consideration as well for city attorney in Henderson. I didn't realize that Art Olsen was a lawyer. Wasn't there an Art Olsen that was a real estate or insurance person?*

Yes, there was.

*Was that the same one?*

No.

*Well, apparently some of the council members wanted Art Olsen and some wanted you. Is there any story behind that?*

I remember some of the councilmen were against us when he nominated me.

*It says here that Lou La Porta, Hershel Trumbo, and John Ivory favored Olsen because he is a local resident and would be available to the people here. Paul Dickover and French wanted you.*

Yeah.

*We'll do this one and then we'll call it a day. February 17, 1956: "Claiborne, JP Engage In Oral Tiff."*

There seems to be a common line running through this [laughter]

*A verbal battle between Justice of the Peace John Mendoza and Harry Claiborne about the latter's "attitude towards the court." Mendozas' decision to bind over Vernell Nichols for murder. It goes on to say that Mendoza bound Nichols over and Claiborne asked Mendoza to be specific on what degree of murder Mrs. Nichols was being held for, pointing out that the Complaint stated first-degree murder.*

*Mendoza replied, "Just murder." Then you apparently quoted to him a statute or a rule that he had to be more specific than that, and then "Mendoza leaned over his desk to tell Claiborne that although he appreciated that the attorney was attempting to 'protect the record,' he was not taking a proper attitude towards the court." Claiborne says, "Since you said that, I'd like to point out that you made your decision without giving counsel an opportunity to argue the matter." He says, "OK, first-degree murder." Do you remember that incident?*

Yeah, yeah. Just what it says. That's exactly what happened, you know. I don't know if you were ever in Mendoza's court. Oh, he was a tyrant. As soon as it was over, he didn't give either one of us an opportunity to argue. "I bound him over." All he said was, "Murder." Then I stood up and I said, "You deprived us of an opportunity to argue this case. If you had granted us the opportunity, you would've recognized that you had to bind her over for it to a specific degree. You can't just say murder and so you're wrong." And I think that was very kind to him. They say he leaned over the desk . . . he did lean over, but he was barking at me. I didn't let any of them bark at me. I bark right back. He was worse than my best friend, Tom O'Donnel. It was a toss up, which one of them was the worst damn judge, he or Mendoza. I see old Mendoza more than I see any of the old-time lawyers. I run into him all the time . . . I don't know—a hundred different places.

*A shooting occurred in a courtroom in Reno on the twenty-third of November 1960.*

He killed two lawyers.

*Killed two lawyers and you ultimately represented Mr. [Robert "Sandman"] Williams.*

*With that background, tell me if you will, how you got involved in that case and tell us about it.*

I was in Reno to see the secretary of state. I came walking out of the capitol building and I crossed the street. Judge [Nevada Supreme Court Justice] Badt and, I believe, Frank McNamee, I'm not sure, were walking down the street. I stopped and said hello and they invited me to lunch. I went down to lunch with them. Judge Badt was very upset. There was some difficulty in getting or appointing a lawyer for Williams. As I recall it, a lot of lawyers filed civil actions against him, joined in two complaints from both of the widows. There may be some error in what I'm saying but this is what I recall—that Badt was upset about so many of them filed a civil action, joined in the action, that it drastically reduced a number of available lawyers to appointment. I guess the judge that appointed cases before, contacted Badt about the situation. The feeling was so strong against Williams. These two were very popular lawyers. One extremely popular. A lawyer named [Ed] Mulcahy and I don't remember the other one.

*[Eli] Liverato.*

Yeah and Mulcahy. I sat there and listened to him. Justice Badt felt that they were deliberately removing themselves from being selected.

*Within a couple of days of the shooting, eight major law firms bearing the names of twenty-three attorneys were listed as attorneys for the plaintiff on the case. So it tied up twenty-three Reno lawyers from representing Williams.*

Yeah, that was it. He was really angry. Badt was really angry. He's a man that I would never

think would be angry about anything. But he was really angry. He was angry at the lawyers. I heard the whole story. I, you might say, was the public defender around here for years. I know I've tried more *pro bono* criminal cases than anybody not connected with the public defender's office. I highly suspected he was way happy to see me and I think he thought I was going to react like I did. Because he said, "I thought you'd say that!" When I said, "Listen, I'll defend him." I said, "Call the judge and tell him to appoint me. I'll defend him." I said, "If there's that much prejudice," I said, "then I would request that you also tell the judge to bring in a visiting judge from somewhere." He appointed me and brought in a Winnemucca district judge. Merwyn Brown. Yeah.

*Had you had dealings with Judge Brown in the past?*

[laughter] Gray Gubler and I had a civil case in his court. We settled it. A local guy hit our clients. We had separate clients. Seriously injured both of them in an automobile accident, he went over the centerline in a truck; one of those ranchers. We saw that the old home cooking was really at work in the motions phases of it. I don't know what the hell the motions revealed. I told Gray, I said, "I'm going to settle this damn suit. We're gon' get buried." And he said, "Well," he said, "Have at it." I spent, oh I guess about four hours with the insurance adjuster, and I settled it for less than I thought I would get. But probably \$10,000 more than I would have gotten if I went to trial if he gave us a half-way break and probably saved something. Anyway, I was flabbergasted. Just flabbergasted when I saw that he was appointed, for several reasons. He wasn't a very knowledgeable judge. I saw in the trial he knew less about the rules of evidence than probably any judge in the state even though

he'd been there a long time. Man, he started out putting it to me at every move.

I guess I fought harder in that case than any case I ever tried. I know I was constantly frustrated by his rulings. Bill Raggio tried it himself and there was no better prosecutor, ever, in the state than Bill Raggio. The defendant was just absolutely insane—absolutely insane. I had constant problems and trouble with him. I asked Judge Brown to appoint a lawyer to work with me, in chambers, when he came up. I said, "You know, I'm away from my office and away from a library and I've gotta have someplace to work. I can't work out of no hotel room." In those days when you were appointed, you didn't get any money. Out of my own pocket I petitioned for money to hire a psychiatrist. He denied it. Said he would appoint a psychiatrist in Reno and I said, "No, I don't want a local psychiatrist. There's too damn much prejudice. I don't want a local man. I want to go out of the state. I want to get somebody who's well-known and respected and, I said frankly, I don't believe—there's one doctor he mentioned in Reno—I don't believe he's really qualified anyway." He said, "I'm not going to give you money to go hire somebody out of state." So, out of my own pocket, I got a psychiatrist, from the youth authority in California.

*Was that Dr. Raymond Schmidt?*

Yeah.

*Was he associated with San Quentin?*

Yeah, yeah.

*How did you get a line on him?*

I called a lawyer that I knew real well in California and I said, "Who is the best

psychiatrist that I could get?" And he said, "The best one's here but I doubt you could get him." He gave me Dr. Schmidt's number. I said, "Why couldn't I get him?" He said, "Because he works for the state, but he is the best. He calls them like he sees them. But I'm sure you can't get him." I went and got an audience with him.

*You went to San Francisco to see him?*

Yes, and got an audience with him. I told him about the case and I told him about the prejudice and I said, "I'm sure this man's insane." He said, "Well, what do you want of me?" I said, "I want you to examine him." He said, "I'll do that." I said, "How much do I have to pay you?" He said, "\$600." I said, "You've got a deal." I paid him out of my own pocket. He examined him and he testified that he was insane.

*Did he come to Reno and interview?*

Oh, yeah. He came to the Reno County Jail and spent a day and a half with him. He told me, "He's insane. He really is."

*He was your main witness wasn't he? Dr. Schmidt?*

He was the main witness for me. They brought this other guy ¼ this old man in.

*How long did Dr. Schmidt testify?*

I think all of one day.

*Then the state brought in a psychiatrist by the name of Richard Brown. Does that sound familiar?*

Yeah, yeah.

*Was he local from Reno?*

He was from Reno. They used him in everything.

*When you met with Williams, was he of any help to you?*

No. Never was. After I was in the case about a week, I asked Judge Brown to appoint somebody else to help me. As I recall he couldn't find anybody. There was a lawyer by the name of Leslie Frye.

*A Reno lawyer?*

Yeah. There's something in the *Reno-Gazette* said that Brown was trying to get another lawyer to work with me and was not successful. He called Brown and told him he would help me. He was a lot of help.

*Was he a young guy?*

No. He wasn't young. He was about fifty-five.

*What was his motivation for wanting to help?*

His motivation was he felt guilty because of the way the bar had reacted. He just was a lawyer with a lot of principle. I had to move out of the hotel. John Drendel let me move into his home. That's the only thing that I really felt some bitterness about. They couldn't recognize he was entitled to a lawyer.

*Why did you have to move out of your hotel?*

Harassing phone calls at all hours of the night.

*Just from the regular citizens in Reno?*



I don't know. I don't know who they were. I suspect some lawyers.

*Where did you know John Drendel from?*

I had tried a case with John Drendel some ten years before that in Reno.

*A civil case?*

No. It was a criminal case.

*John Drendel went on to become one of the best plaintiffs' lawyers in the state in civil cases.*

John Drendel was one helluva lawyer, I'll tell you that.

*And because of your friendship you moved over to John Drendel's house and stayed with him?*

Yeah. I was having dinner with John and I just casually mentioned, I said, "Hell, I didn't get any sleep last night and I was tired as hell in there today." He said, "Well, were you working on this case?" Which wasn't new, I worked all night in a lot of cases I've tried. I said, "Jesus, people are calling me on the phone and cursing me out and abusing me." He said, "Go down to the desk and tell them not to put any calls through to you." I said, "I've already done that." He said, "Well, that's good. That'll stop it." Didn't stop it. After going down there, they'd just look at me and go like this.

*Was there an episode where you were eating dinner one time and a woman came up and confronted you?*

She didn't confront me; she attacked me. She started hitting me in the chest with her hands and I finally grabbed her by the wrist.

It was in the Holiday while I was eating lunch. There must have been seventy-five people in there.

*She just recognized you from the trial and came over?*

Yeah. I think, she'd been sitting in there. I was having lunch with Les Frye and he said he thought he had seen her in the courtroom. I never paid any attention to who was in the courtroom and who wasn't. Ever. But he thought she had been in the courtroom that morning. I felt so sorry for him [Williams] because in his mind he actually believed there was a conspiracy to kill him. He had a heart condition. I don't remember who his lawyer was.

*His lawyer was [Sam] Frankovich. We're talking about his lawyer in the civil case when the shooting occurred.*

In the civil case. Yeah, yeah. He owned a gravel pit. He lived in a shanty at the gravel pit. No running water. He and his wife had gotten a divorce. In the divorce case, as I recall, his wife and his mother-in-law and Williams were awarded each one-third interest in the gravel pit. Now he was almost a bum. He was a recluse, unclean—erratic as hell. Even explosive. People referred to him, as that article said, as the "Sandman." He had a fairly good business. No employees. He had some old broken down machinery. He loaded the sand on the truck himself. I don't recall anymore what the lawsuit was about. It was over the gravel pit, that's all I can remember.

*I think it was that they were trying to adjudicate the interest in that sand pit.*



Yeah. And Jon Collins was a visiting judge. He had a heart condition. Just before the trial started, he had a heart attack. They had to continue the case. In the continuation, Sam was representing him and one of the others represented the mother-in-law and another one represented the ex-wife. He had another seizure about half way in the case. Frankovich told Collins that he was having another heart attack. He didn't show up, that's the reason. Sam found out he was at the hospital. The judge didn't believe it, I don't think. He sent the bailiff out to actually see if he was there and if he was having a heart attack. The bailiff reported back that he was. Then he said, "Well, we're going to continue it only one day." There was a reasonable basis why he would think that they were trying to kill him.

Down near the end of the case, he got up and he went out into the hallway. He had brought a pistol into the courtroom. He's already convinced—they're ordering him back to court—that they're trying to kill him. He started having some additional chest pains right near the end. He went out of the courtroom and sat down on some benches out in the hallway. Collins said, "Where is your client?" He said, "He's having some chest pains, he went out into the hall." He said, "Could we have a continuance until tomorrow?" He said, "No. I've got to be back in Ely tomorrow. We're going to finish this case today." Sam went out and told him. Collins ordered him back into the courtroom and he came back into the courtroom. Just minutes later, he pulled a gun and shot Mulcahy and Liverato. Then he fired, I believe, three shots at Collins and he ducked down behind the bench and then crawled out of the courtroom. That's what happened. He thought at first that they were trying to kill him, and now this proved it. Stayed with him.

*Bill Raggio tried it and there was an assistant district attorney—Eric Richards. Do you remember that name? Eric Richards?*

Yeah. Yeah. Good lawyer. Yeah. I tried several cases with him up there.

*So it was Raggio and Richards, and then it was you and Frye.*

And Les Frye.

*According to the newspaper account, the court reporter who was from Elko, apparently is the one who ultimately wrestled the gun away from Williams. Do you recall that?*

No. I know that I had some fun out of Collins.

*Did Collins testify in court?*

Oh yeah. I had a lot of fun with him.

*What was the basis of your cross-examination of Collins?*

About him hiding and crawling and leaving his staff in the courtroom.

*No wonder so many people like you, Harry.*

I know. I know. When you were talking about yesterday when you said that they started out by picking out the best lawyers in the last seventy-five years, I just laughed at myself. I said, "I won't be one of them." I don't know who's on the committee but they won't find a majority that liked me.

*A popularity contest. The trial was set for April 24, and then just a few days before the trial,*

*Raggio gave a list of another eighteen witnesses. Do you remember that?*

Yeah, oh yeah. Oh yeah.

*Then the case was ultimately postponed because of an illness. I think a wife became ill or something to that effect according to the papers. Ultimately, the trial occurred on June 28, 1961. One of the things they talked about was they wanted the ex-wife, or the wife—I guess they were still married—to testify. You blocked that on the basis that the wife could not testify against a husband.*

Yeah.

*Was that a hard fought motion?*

All of them were. All of them were. Like I said in the beginning I thought it was not the best case I ever tried, but it was the hardest one, probably, that I ever tried. It was tough. It was so tough.

*What was Williams's reaction during your trial with him? Do you think he understood what was going on?*

No. No. I talked to several people, employees of the Nevada State Penitentiary, and they all agreed this guy was one hundred percent insane. Insane. He kept writing notes and handing them to Les Frye. Les Frye sat on my left and the defendant on his left. Les wasn't handing me any of those notes. We were at lunch and I said, "Les, this guy's handing you notes all the time but you're not giving them to me." I said, "It's a necessity that I see them." I said, "I owe an obligation to him to consider his input, whatever it is, into this case." He said, "Yeah, I know that Harry." He shook his head, reached into his pocket and

got one, and it says, "Claiborne has thrown my case!" [laughter] I hand it back to him and I said, "I don't want to see no more of them."

*That was his contribution to the case!*

Yeah. It's his first note—he must have had a pocket full of them. He just pulled one out at random and handed it to me. I'll tell you what is the strangest damn case. Lawyers. This is the strangest thing. I never, never, never could understand. If this guy shot me, down here, the lawyers would regret it. They'd have sympathy for our families but they wouldn't rile themselves up to the extent that the bar did in Reno. They wouldn't at all. That's the strangest thing that happened at all. Then stranger, stranger than that, at the Nevada Bar Convention, they passed, I don't know if it was a resolution, I got a copy of it, commendation praising my work in this murder case. Can you believe that? I later learned it never has happened before or since.

*The commendation?*

Yeah. The state bar commendation.

*As a matter of fact, in the Review-Journal on January 5, 1962, so it'd have been about six months after the trial, there is an article, it is entitled "Las Vegas Attorney Lauded for Reno Case Work on Unpopular Trial." That's exactly what this article is about. The state bar, "The Las Vegas Attorney, Harry Claiborne, today received notification of his commendation by the State Bar of Nevada for his defense in an unpopular murder case tried in Reno last fall."*

Isn't that strange? Lawyers that I had known would walk by me and not even speak while I'm trying the case. I know that some of the lawyers were involved were doing it, or

having it done, harassing me at the hotel. Then turn right around and vote a commendation. But I tell you. It must have been the best job I ever did in my life cause he got life in prison. If there was a son of a bitch ticketed for the electric chair, it was him.

*Did you talk to any of the jurors afterwards?*

Yes.

*What did they have to say?*

They felt sorry for him. I had several wait to see me when I came out of the court on the courthouse steps. Praising me. They said that they had at one time seriously considered second-degree murder. I think they felt sorry, in a certain way. I think they felt sorry for him. I don't believe that they doubt that he was insane. They should have. I put him on the stand for the sole purpose of showing it. If there ever was a witness did show it, he did.

*On the stand.*

I come away really happy with the verdict. I thought he was a goner. I felt I had saved his life, and, of course, I did. I was happy about that. I never expected to get an acquittal. But if ever an old man anywhere ever got what every defendant should have, that is, adequate representation, it was him.

*Was it a difficult decision for you to put Williams on the stand?*

No. No. I knew exactly what Raggio was going to do. California psychologist said, he put it in these words, he said "If he isn't insane, there is no insane person in America." I knew right then what Raggio would do. I knew he would get old Brown, he'd used Brown over

and over and over. Whatever my psychiatrist had said, he'd dispute it. I knew that the jury would have a burden in deciding which one is right. I figured the only people that would have to determine whether or not he was insane was the jury. I'll just show them how crazy he is.

*How did your examination go? Did he make any sense at all?*

Didn't make any sense.

*How did Raggio try to cross-examine someone like that?*

He didn't try to do much with him. He stalled. He knew if he fooled around with him too long, that he was just going to increase the damage to his case. Bill Raggio is not only the best prosecutor I ever worked against, but also one of the most clever. He was the ultimate. Beat him in some murder cases. But he was, God, the best ever. And I've tried murder cases in, Jesus, I guess fifteen different states. Nobody could carry his briefcase. We were, after it was over, good friends. We'd go down to the Mapes Hotel and have a drink or two together, sometimes have dinner after the case was over.

*Do you still see Bill Raggio from time to time?*

Occasionally. Not as often as I would like to. I think I only saw him one day last year. But he's often in my mind.

*There was another state's witness, Dr. Toller, from California. Does that name sound familiar to you? Apparently they used Brown and then you countered with Schmidt and then Toller came back as rebuttal. Do you remember? Let me give you some more*

*information. You tried to use an affidavit that Dr. Toller had filed in the Redfield case up in Reno. First of all who was Redfield and what was that case about?*

He was the richest guy in Reno. That's who he was. He was crazy too. Yeah. He had a thing about silver dollars and when he died he had a basement full of silver dollars sealed in a concrete vault—ten by twelve feet. With only a swath about this long and about four inches wide and about a foot long in the top of the roll and a ladder on the outside. He'd push those silver dollars in there and he filled it, they said, to almost about eighteen inches from the top. Can you imagine a room that size full of silver dollars? He was a nut about silver dollars. I don't know what in the hell ever happened to them.

*What was the occasion that Dr. Toller would have filed an affidavit in the Redfield case, do you think?*

Something to do with his sanity, I think. What I think is they tried to put him away. I think they tried to put him away. I'm embarrassed that I don't remember that.

*It was something about the Redfield Estate, I remember that and I think it did have something to do with the guardianship or some type of proceeding such as that.*

I think he went senile. As I recall—I may be entirely wrong—but some proceeding either to take over his estate as guardian, a daughter or somebody. He was loonier than hell and this guy filed an affidavit that he was sane, absolutely no need for a guardianship. He knew the extent of his estate, could manage it. Purely bought affidavit. Everybody in Reno knew this crazy bastard.

*This trial, as I understand it in reading the newspaper, was simply for the shooting of Eli Liverato and it wasn't for the shooting of Mulcahy. Was there any talk about trying him for the killing of the second lawyer? Or am I mistaken?*

No that's incorrect. He was tried for killing both of them.

*He was tried for killing both of them? OK. Whatever became of Williams? Did he ever get out of Nevada State?*

He died in prison.

*Was there any post-verdict appeals or motions, anything such as that?*

I'm not sure. I'm not sure. I know I didn't take an appeal. I felt like I had fulfilled my duty and somebody else took the appeal.

*Oh, they did take an appeal though?*

Yes.

*Is Frye still alive?*

No, Les is dead. Fine gentleman. Fine gentleman.

*Anything else about that case that you can think of to talk about?*

No. Not that I know of.

*Pretty tough case for you wasn't it?*

It was a tough case, it really was.

*I'll have to tell you that the newspaper articles are becoming less and less now, so maybe other*

*things are happening in the town other than a Harry Claiborne case.*

Oh yeah.

*The case you represented a Robert Schmutzer [78 Nev. 208(1962)]. It's a case against the Dunes Hotel. It had to do with some furnishing of some trees. Who was Mr. Schmutzer?*

He owned a nursery. Garden center.

*Oh. And here's also a man by the name of Loren Hadland. Was that the person who had a park named after him?*

Probably.

*Then a case called Jack Weisbrot versus the Fremont Hotel [74 Nev. 227 (1958)].*

Oh yeah. He won a lot of money [on May 23, 1956] and they claimed that he was a cheater. I lost it too.

*It was an action to enforce a gambling obligation.*

Yeah.

*And was there any story really behind him?*

It was, I guess, one of the first cases where a court held that a gambling obligation was legal.

*Looks like we're getting into a series of civil cases now. You represented a person by the name of Beth Ronnow [74 Nev. 316 (1958)].*

Old family. What was that about?

*It was against "A Friendly Irishman."*

Over an automobile?

*Over an automobile. Yes. What was that case about?*

Oh God. That's Charlie Ronnow. I represented several of those Ronnows through the years. Charlie Ronnow bought a truck from a Johnny McClanahan, "A Friendly Irishman." I know it was Johnny McClanahan. I had two car things with Charlie Ronnow. Two cars. One was a car lot right along the El Cortez. Johnny McClanahan's The Friendly Irishman was right down the intersection of Fifth Street, what used to be Fifth Street, and Main Street, just before you enter North Las Vegas. I had another case for him against another used-car dealer called Mad Man Dizinger. Dizinger. I had a lot of fun with him—Dizinger. Ronnow went down and bought a truck from McClanahan. Two days later, the rear end fell out. He wouldn't take the truck back, wouldn't give him his money back, and wouldn't fix it. So we sued him. Funny thing—I'm in the office one day, Bud Bodell was the only private detective around here then. He worked for me almost damn near exclusively. Never was a better investigator in the world than Bud Bodell. What's the date on this?

*The trial apparently happened in 1956.*

I don't know what case he was working on. I thought I knew. It wasn't it. He told me about it. He went to laughing right through the middle of it, talking to me. He said, "Guess what?" I said, "What?" He said, "I went down to serve a subpoena on Johnny McClanahan." This was after I filed, and I wasn't using him on McClanahan. I said, "Yeah? What happened down there?" He says, "I couldn't find him in his office." He had a little old trailer he used for



his office. I went looking around for him, and he said, I saw these legs underneath this car. There's legs sticking out from underneath this car and I go up to it and say, "Johnny, is that you?" and he said, "Yeah." He said, "He was sticking bananas in the rear end of this car." I said, "Yeah, yeah, tell me more." [laughter] Anyway, he said, "He told me that that quieted them down." I said, "What did you say?" He said, "Well, pretty soon, that stuff is going to dissolve and get thin and you're going to have the same problems." He laughed and he said, "Yeah, but I won't own it." [laughter]

*Did you have that testimony available at your trial?*

Oh yes. I had another one for Ronnow. Dizinger. I remember it had something to do with another bad automobile. I had a guy who stole a car from Dizinger. Now, during the war, of course, I was stationed out here at the base; the most inconsistent role that you've ever seen. I brought a company of MPs in here and they made me, in addition, the colonel appointed me police and prison officer also, and appointed me as defense lawyer. That's the truth! I must've defended a dozen soldiers out there. At the same time, I was police and prison officer and in charge of the downtown MP. My God! Jack-of-all-trades, I guess.

Well, I had a soldier that stole one of Dizinger's cars and drove it to Alabama. The FBI got into it and, finally, the United States Attorney turned it over to the Air Force to try and I was appointed defense lawyer. The court martial. Now Dizinger used to run ads called, "I'm the craziest man in town. Crazy Man Dizinger." All of those kinds of ads. They called Dizinger as a witness. I said to the board, "I object to this man testifying." They said, "Well, state your objection." I said, "He's an incompetent witness." He said, "How is he

incompetent?" I said, "He's crazy." I go like this. He said, "You mean to say he's insane?" I said, "Yes." They're looking at old Dizinger. Dizinger's getting red in the face! He took a fan, before I made my objection. They're looking at him. He said, "Well, you're going to have to prove that." I said, "Well, I'm going to prove it by him." The colonel said, "By him?" I said, "Yes, by him." I said, "Don't you regularly advance to the general public as well as the whole world that you're crazy?" I look at the board and they're looking like this, waiting for his answer. He said, "Uh . . . well . . . uh . . . no." I said, "Don't you even advertise in the paper that you're crazy?" He said, "Yes." I said, "What further proof do you need? Man's not only crazy, but advertises it!"

They declared a recess. They were conferring with Captain [Lou] Smith, who was a legal officer. He was flabbergasted too. The prosecutor says, "You're in the car business, aren't you?" He said, "Yes." He said, "You run those ads that you're crazy?" He said, "They're just part of your business to attract attention to your car lots, right?" He said, "Yes." Then I said, "You don't do that for any other purpose, do you?" He said, "No." He said, "Thank you" and let him off. He started to step down, and I said, "Wait a minute." I said, "Weren't you out at the El Rancho Hotel? A war bond drive?" He said, "Yes." I said, "Were you out there selling automobiles?" He said, "Course not." I said, "You went up there to make a contribution?" He said, "Yes." I said, "Didn't you jump up on the stage and say that you were the craziest man in Nevada?" He said, "Yes." I said, "And that wasn't part of the sales pitch was it?" He said, "No." I said, "That's all I have." Lou Smith didn't know what to do. He was a Montana lawyer. He grew up in Great Falls. Wonderful guy. But he didn't know what to do. I never will forget what good old Colonel Henry said,

"Get out of here! We don't even want to mess with you!" [laughter] And he said to Smith, "You got anything else?" He said, "No, he was my only witness." Well, when I got out of the army, Dizinger was still here. He met me on the street one day and he says, "Goddamn you. You know I'm not crazy." I said, "No, I don't know that. All I know is what you say."

*I have a case here entitled Percy L. Jefferson, a.k.a. P. L. Jefferson v. Joyner [75 Nev. 207 (1959)]. Is that the same Jefferson that you are hunting buddies with?*

Yup. It was him.

*And apparently there was a killing at his bar and then this apparently is the civil suit resulting from that.*

We won it. Yeah. He shot a guy who was a patron in his place—a real mean, tough guy. And he came in there and I guess he got drunk. And I think he was already drunk when he come in. I know he was. And started raising hell. Pushing people around, customers around in the bar. He'd thrown him out a dozen times before. Finally wound up shooting him. Killed him. The guy attacked him—of course, a dozen witnesses.

*Was Jefferson prosecuted for it?*

No. No.

*Is this the civil lawsuit that was going to trial?*

There was a coroner's jury. I remember that. Under the laws then, and the sheriff was coroner.

*Here's a criminal case involving the crime of embezzlement. You represented Alexander*

*Corinblit [72 Nev. 202 (1956)]. Was there anything significant about that case? This was an appeal taken of the judgment of the trial court, dismissing an action against the defendant for the crime of embezzlement.*

Yeah, I know it now. See, we had the judge dismiss it after the trial. After they rested, OK? I thought he directed a verdict, which is contrary to Nevada law. [silence] I know the law in Nevada, and still is, that the judge cannot take the case away from the jury. Cannot dismiss the case after it's gone to jury. He can dismiss prior to trial. Once the trial begins, you can't dismiss. It has to go to the jury. And Nevada does not have a directed verdict statute to this day in the state system. Federal court does—[Rule] 29(a). You get two shots at dismissal. One is after government rests and the other is after the verdict, but not in this state.

*That's what this court held, is that the trial court was in error in taking the case from the jury.*

From the jury.

*They reversed it and sent it back.*

*OK. There was a case, Bill Byrne. He was the mayor of Henderson at one time and he was also a state assemblyman. Was he up there with you?*

No.

*And then there was a William Embry. Bill Embry.*

Yes. He was up there with me.

*He was up there with you? And there was a case involving the two of them, that I don't*

*have the case. Do you remember who you represented?*

I remember I represented them but I don't know what it was about.

*Didn't Bill Byrne get involved in some kind of a land deal that he was involved in and they alleged that he had some inside information through the assembly. Does that sound familiar?*

Yes, it does. Yes, it does. Boy, you would think I would remember that one?

*Well, it was only fifty years ago.*

Yeah, I know.

*Then here's a newspaper article, February 20, 1957. "Henderson City Attorney Harry Claiborne's opinion that only property owners could file for city offices has raised a storm of protest." Do you remember that?*

Yeah, it really started out like the residents were all upset. It was not at all. The city election laws provided that you had to be a resident of the ward which you wished to represent. This guy [Joe Catchalls] didn't even live in Henderson. They wouldn't let him register. I don't know who the hell the reporter was but the whole article's all messed up. It wasn't what it indicates

*So that was basically your ruling that this particular guy couldn't run for the office?*

Yeah.

*Here's another one. Francis Lehman. Looks like it was a federal case. Does that sound familiar?*

[laughter; indicates no]

*Troy Clifford Hess and Michael Steven Sterling [73 Nev. 175 (1957)]. A criminal case. The crime of kidnaping. State court case. They kidnaped a person by the name of Wanda Perkins for the purpose of committing robbery. They raped her and kept her bound. Oh, this was in Elko. Taylor Wines was the judge. Any of that sound familiar?*

I remember the case but I don't remember all the facts.

*OK. Here on September 27, 1957, it says you were sworn in as city attorney by city clerk N. D. Van Wagnen. Van Wagnen replaces Harry Parsons in the city clerk position and Claiborne was reappointed. Is that Henderson we're talking about?*

Yes, Henderson, yeah.

*Was this the first time or did he come back a second time as city attorney?*

I came back the second time.

*OK. What was that about- coming back a second time? Here is a photograph of you.*

[laughter] Can't believe I was ever that goddamn young. Look at that expression on my face.

*It's pretty serious!*

You'd think I was being sworn as attorney general of the United States, wouldn't you? Yeah, this was the second time I was out there. Oh, I know what happened. Bill Compton was city attorney out there and was either elected or appointed, I don't know which, as district judge. I think Bill Byrne was mayor. And Bill Byrne called me and I said, "Oh, hell no. I

don't want no part of it." I said, "I'll come out for a year." But I went out and I don't think I stayed a year—about eight months. I said, "Bill, you can find somebody."

*Who replaced you after that?*

I believe Art Olsen. I believe Art Olsen. He'd been trying to get the city attorney job out there for years. He finally got it and I believe he was appointed.

*I think yesterday we were talking about your first appointment as city attorney in Henderson. The newspaper article indicated that a couple of the councilmen were interested in Art because he actually lived there.*

Yeah, I know they wanted Art. A few of them did.

*Subsequently, he was appointed.*

Lou La Porta was the leading fight for Olsen. I remember that. Lou La Porta was a very nice man. I said, "I'm not fighting for the damn job. French wants me and I don't care." He said that he was committed to Olsen and that he hoped I wouldn't be upset with him. If anything, I'd understand. I knew politics as well as commitments. I expect you to keep them. I said, "If you were committed to me, I would expect you to fulfill your commitment." We got along splendidly. I knew because he often told me, how glad he was I was the city attorney. They were particularly glad when I got them 5,000 acres of land out there free from the federal government.

*How did that come about?*

I was sitting in my office one day, I picked up the Congressional [Record]. And I was

reading and where the federal government gave some town, I believe back in Nebraska or Kansas, gave them a landing strip. There wasn't an airport but a landing strip that the government had used and a lot of the facilities that went with it, buildings and several thousand acres of land. I told French, I said, "Hey, look at what I found." I said, "Maybe we can get a lot of this damn desert land around here." He said, "Oh God, yeah." "I'm going to look into it." I looked into it and figured it all out, how to do it, and we filed a request with the Department of Interior, and by god, we got it. 5,000 acres.

*Did it have to be used for a specific purpose?*

I don't remember. I think so. I'm not sure.

*Where was it?*

Where Green Valley is now. Where Green Valley is. Don't ask me how Hank Greenspun wound up with most of it, because I don't know. I suspect, but I don't know. Thank God I wasn't out there.

*But it worked out fine for Hank?*

Oh yes. Hank got it.

*Here's a case. I finally found the opinion. Kenneth Garden [73 Nev. 312 (1957)]. You represented him. He was convicted of statutory rape. It was his stepdaughter. She was twelve years old and she had testified that he had intercourse with her [on May 21, 1956]. Her testimony was corroborated by her ten-year old sister who testified that she witnessed the acts between her stepfather and her sister. Does that sound familiar? And they actually had moved to California, then to Nebraska, then to Reno, and finally to Las Vegas. A Nebraska physician*

*testified that he had examined her. Any of that sound familiar? You were arguing that she made up the story of this conduct because he had been punishing her or something.*

Yeah. I don't remember anything more than the article.

*Here's one that you'll like. April 9, 1958, headline: "Claiborne Suit Is Dismissed." A malpractice case against Claiborne was dismissed after the second day of trial by Judge Ryland Taylor on the grounds that the plaintiff failed to prove a case. The plaintiff was Ramiro Lopez and apparently Charlie Springer and Procter Hug were representing him. John Manzonie and Louie Weiner were your lawyers. What was that case about? [silence] It says here, he claimed that Claiborne was supposed to have brought a claim against the Sahara Hotel, and Southern Nevada Power but let the statute of limitations slip by.*

What happened was, Tom Hanley brings this guy into the office. Union leader. Louie Weiner was Hanley's lawyer. I worked on some cases for Hanley at the request of Louie Weiner—his murder case and something else—both of them criminal matters. Hanley had taken this guy to Louie Weiner. Louie had told him, "Listen, I just can't handle it." He said, "Why don't you go over and see Harry?" So, they came over to my office. Now, the guy was working on a scaffold, he's a laborer and on a scaffold. He either got knocked off or fell off the scaffold and he did have some bad injuries. He really did. I took all the information from him and I told him, "I'll represent you." Then, I don't think they had industrial insurance. I think it was an option in those days. I'm sure that's fact. Ed Greeley had gone to work for me as a clerk, and I said, "How are you at preparing complaints?" He said, "I'm good at it." I said,

"All right." I handed him the file and told him what it was about.

He comes walking in, he said, "Hell, the statute of limitations has run." I said, "Oh? Shit." I get on the phone and I call Tom Hanley. I said, "Hell, the statute of limitations has run on this case. He only had two years to file it. It's run." He said, "Jesus." I said, "Be sure and tell the guy." He said, "All right." A guy called and said, "Hey. A guy wants to sue you." The local lawyers were refusing the case. All of a sudden, I'm hit with a subpoena and a complaint charging me with malpractice. And running the date back to when they said I agreed [to represent him]! I found out that George Marshall had the damn case until the day before they went to see me and Louie Weiner.

*The statute ran while he had it?*

While he had it! So, hell, I made mincemeat out of it. But they wouldn't dismiss. They were trying to get me to settle it.

*They settled after the second day of trial. Was this a directed verdict? Was that what happened?*

Yeah. Took them one day to put their case on. The next day, we made a motion to dismiss and the judge granted it.

*You ever talk to Springer and Procter Hug about that afterwards?*

No. I didn't like the fact that they didn't call me to give me a chance to tell them. I'm lucky I didn't file the damn case. I didn't notice the date he gave me.

*Here's one: You represented Alfred Child, Helen Child, and Alkodom Corporation against*



*George Miller [74 Nev. 223 (1958)]. Mort Galane was on the other side and it had to do with the sale of carpet relating to the building and furnishing of the Moulin Rouge. Does any of that sound familiar?*

Yeah, just generally.

*Here's one: Charles Calvin Robinson [74 Nev. 58 (1958)]. That name sound familiar? It's a writ of habeas corpus against the sheriff, convicted of burglary in Oregon and sentenced to five years. Tell us about that.*

This is the only guy that I ever represented that I felt was as crazy as Williams. This guy was a nut. I think I was appointed by the court. I don't remember what happened. [laughter] I really don't.

*Now here's a newspaper article, June 23, 1959. It says, "City Attorney Claiborne Quits. Henderson city attorney, who was the uncontested winner in a bitter political battle to get him to resign not too long ago, fooled them all last night. He resigned. Politics, he said, had nothing to do with it." Do you remember that?*

I was never in a fight out in Henderson.

*It says Frank Morrell was involved. You told the Review-Journal in an exclusive interview that you would have resigned had you been properly approached. Apparently, Frank Morell, [R. E.] Kesterson, [Aubrey] Pagan, and Gail Armstrong tried to get Bill Compton to submit an application for your job. Do you remember—?*

This is the second time I was out there.

Yes, OK.

Yeah.

*Were you out there for two years for that second time? Looks like it from the date of these articles.*

Yeah, by God, it looks like it.

*The first one has a picture of you being sworn in was September of 1957 and this is '59.*

Yeah. So I was out there nearly two years.

*What was the episode of them trying to get you to resign? Apparently, you won and then, you said, "OK, I'm going to resign," after you won the battle.*

This was in Henderson. I don't remember—I honest to God don't remember what this was about. Apparently, this was after the election, and Gail Armstrong lost. He was involved in trying to get me to resign, according to this article. But I honest to God don't remember any fight I ever had with any of them. But I do remember, I thought that I went back because Compton was appointed district judge. Not so. I just think a new regime wanted a local lawyer. I'm sure that French was the mayor at that time. No, he wasn't. Bill Byrne was.

*Yes, probably Bill Byrne was.*

Yeah. Bill was probably telling me, "Hey, don't resign. These guys want Compton, but don't you resign." I just said, "No, I'm not going to do it" when approached about it.

*Here's one: Vera Osman v. Harry Cobb and Sonia Cobb [77 Nev. 133 (1961)]. Apparently, you were seeking a reversal of the judgment on the basis that the presiding judge who signed*

*the judgment was not a judge at the time. It involves a Judge Watson who was defeated for re-election and then his term expired before he signed the judgment. Does any of that sound familiar?*

I don't know. How come I remember all those others so goddamn well, and I don't remember the closer it gets?

*Is that preview of what we're going to expect in future interviews?*

[laughter] He was out. Watson was out of office.

*He signed the order.*

Well, when he signed the judgment, he ruled in favor of the Cobbs. It was over a year and the [Nevada] Supreme Court reversed him.

*Here's one that I'm sure that you're going to remember. Dr. Russell Miller in a lawsuit with Reta Schnitzer [78 Nev. 301 (1962)]. Reta Schnitzer sues Dr. Russell Miller to recover damages, claiming that he had maliciously and without probable cause, charged her with the crime of embezzlement, caused her arrest, confinement in jail and subsequent appearance at a preliminary hearing. Tell me about that case.*

Well, Schnitzer was his office nurse. No question that she embezzled all this money. No question about it. I don't know whether that said how much but, as I recall, it was \$68,000. Boy, that was a hefty amount. He prosecuted her. At the preliminary hearing, they turned her loose. Then she went and hired Mort Galane. Mort was picking everything up that he could find in those

days. He took her case and damned if she didn't win!

*In here, it talks about that they apparently had a personal relationship.*

That's what she claimed!

*Then during that personal relationship, she walked in when he was with another woman in bed [July 1959]. Remember all of that?*

No, I don't remember any of that. What I do remember, she was claiming that the doctor was her lover. What I remember is the other way around—that the doctor was her lover and the doctor walked in on her with another guy. And that accusing her of embezzlement was out of anger. I think that it was true but a jury verdict . . .

*Yes, it got a jury verdict and then it was reversed and remanded for a new trial on some basis or another. Dr. Miller's been around here for a long time, hasn't he?*

Barely. [laughter] He's older than I am and he's still practicing. Not too long ago, I saw him and boy, he is barely here, I'll tell you.

*Here's a case: Don Kelly and Robert Edmond Black up in Washoe County [76 Nev. 65 (1960)]. Convicted of taking money under false pretenses, having to do with a fraudulent keno ticket. You and John Drendel were representing him. Bill Raggio was the D.A. Drake Delanoy was the assistant D.A.*

I tried several cases against Drake up there. In fact, I was somewhat instrumental in him coming down.

*Drake Delanoy is a notable lawyer in Las Vegas.*

I was talking to him and I don't know what case it was, but I was trying a case in Reno. I knew Drake and I tried cases against him. I told him, "You're a very fine lawyer. Very fine lawyer. You should get the hell out of here and get into practice and make some money." I said, "You can stay here and run for D.A. Raggio's never gon' leave this office. He likes it too much."

Who did he go in with?

*Bill Singleton.*

Singleton. Bill Singleton. I said, "Bill Singleton's looking for somebody." Bill had told me that on the plane going up to Reno once, just a few days before that. I said, "I'd get with him. Bill's a good lawyer. See if you can work out something. And he did. He came down here and done it. And they hooked up and he helped Bill and Bill helped him.

*Did you have any cases with Drake and Bill when they were in Las Vegas?*

No. No.

*So your association with Drake was primarily while he was in the district attorney's office in Reno?*

That's correct. Yeah. I was friendly with him when he came down here. And, still I liked Bill.

*Here's one—Vern Boley and O. D. Charlesworth [76 Nev. 138 (1960)]. Those names sound familiar?*

Yeah, I know that they're both crooks, but I don't know . . . [laughter]

*Cheating or thieving devices—the contents of a 25-cent slot machine.*

Yeah. Them cheaters. Not as good as the other guy we were talking about the other day. They weren't inventors.

*Then here's Timney [76 Nev. 230 (1960)]. It's a divorce case. Does that name sound familiar to you?*

Yeah, but I don't remember about it.

*Anita Manville v. Manville [79 Nev. 487 (1963)]. It's a divorce case. The ex-wife tried to set aside the decree of the divorce entered in her favor against her ex-husband on the grounds of fraud. The ex-wife alleged that her twin sister impersonated her during the divorce proceedings. Do you remember that? [laughter]*

That's all I remember!

*Sometimes it's helpful to have a twin, I gather. Let's see, here's a man Adolph Gutierrez [80 Nev. 562 (1964)]. Apparently a vending machine fell off and injured him. Looks like it was probably a civil case that you were involved in.*

[shakes his head no]

*You apparently represented them over the years on some things. Tell me a little about the Tomiyasu family?*

Tomiyasu came to Las Vegas, I believe in 1909. He went out in the desert over there where Tomiyasu Lane is now and squatted on sixty acres of land, what later on turned out to be about sixty acres. He and Mrs. Tomiyasu dug a well by hand with pick and shovel. He manufactured with his own hands, a windlass, and Mrs. Tomiyasu would let him down in the well. He would dig up a bucket of dirt and she would bring it up to the top of the windlass, spread the dirt around, and come back, and

let the bucket back down. And then while she was gone doing this, he dug another bucket. You can imagine. One day, he hit water. Unbeknown to him, he had an artesian strata. And it blew him halfway up the well. Before she could get the cable straightened out and get him back up, he almost drowned. But they had the finest well in this area.

There was a lot of artesian wells in this basin. In fact, the biggest area was over behind where I lived. I had an artesian well for years. On Rancho, yeah, right behind Rancho Circle was the old city wells. And all of them are artesian. He started raising food crops of every kind. He would take them into Las Vegas and he would sell them to whoever wanted to buy them. The town, of course, at that time was barely a U. P. [Union Pacific Railroad] town. Well, he did quite well and he went into the nursery business with his son, Nanyu. He began to get old and he had a \$12,000 loan at the First National Bank. He turned the payment book over to Nanyu. He wanted to go back to Japan to see his relatives before he died. And so he took a year off and went. Turned the books over to Nanyu to pay the mortgage payments. And Nanyu didn't pay them. [Last payment was made in October, 1960.

The bank sent notice after notice and finally, notice of foreclosure, and then finally, foreclosed on his place. Sold the sixty acres, which was worth then about \$175,000, at the courthouse steps to a guy for \$16,000 [on April 25, 1962]. He came home and I guess the place had been sold about two months. The lady who liked him and who lived out there by them for forty years, came into my office one day and brought the old man with him. She said he didn't have money enough to fight this but this was wrong. She told me the whole story. I said, "Well, I'll represent him." See if I can help her. I filed

suit and I won. Inadequate consideration. I can't remember the guy's name that bought it but they appealed it to the [Nevada] Supreme Court. Richard Golden. Yeah. And he appealed it and he won. Supreme court reversed it. I fought the case for years. I don't know how I got into the federal system. I don't remember, but I got into the federal system. I even went to the Supreme Court of the United States with it. And they denied certification. And that was the end of the road. In the meantime, I guess, *pro bono*, I'd spent something like seventy or eighty thousand dollars of my own money trying this thing. I had a character flaw. I was, you might say, soft for a sad story. I just couldn't walk away from that old man. Sat there in the office and I would look at him. He must've been ninety years old then.

*Was that only a portion of their land, because they still own some property? Or not?*

I don't think so.

*You think that was the whole thing?*

That was the whole plot. It's a very exclusive area now.

*Yeah. There was a Tomiyasu that just died not too long ago. Was that the old man?*

That was the son, Nanyu.

*And did he continue operating the nursery?*

No. He didn't continue to operate that nursery but, I mean, he operated another nursery. That's all he knew.

*Was he just an irresponsible businessman? Is that what happened? Or do we know?*

I swear to god, I cannot understand why a guy with a year's time not even remember that he had this small chore to do. I don't know until this day whatever excuse he gave his dad.

*Well here it lists two Nevada Supreme Court decisions. And then probably one is the federal system afterwards.*

Yeah, there's a Ninth Circuit case.

*Here's a case where you represented Ben Wertheimer and Marguerite Wertheimer [79 Nev. 447 (1963)]. It looks like it was a land dispute of some kind. Is there anything there?*

I remember the people but I don't remember what the case was about.

*The next one is a divorce case where you represented a client by the name of Albert Freeman [79 Nev. 33 (1963)].*

Oh yeah, I remember Al Freeman. Yeah. He was the *maitre d'* at the Sands Hotel. Oh yeah. It was a nasty, nasty, nasty case—long drawn out. A child involved. Property involved. She was the daughter of Jack Walsh who was a general manager of the Desert Inn. So, we were fighting juice and everything else. He was very popular and well known and prominent.

*This was a high-profile divorce.*

Yeah. I didn't have many divorce cases. I took him because I was the attorney for the Sands and the powers-that-be out there asked me to take it.

*I see that you're co-counsel with John Manzonie. Let's talk a little about John. Where was John*

*from and how did you become associated with John?*

John was born and raised in Ely and he was raised on a ranch. His dad owned a feed store in Ely, just a delightful guy. Typical westerner. Still is. He's retired now. Lost his wife about six months ago. He took care of her. She was a lovely human being. John worked for me. He came down here shortly after he passed the bar. He worked for Dave Zenoff. Zenoff and Cal Magleby were partners. He worked for them. Dave was appointed district judge. They were in that building right across the street from me where the Fitzgerald is now. I had offices where the back of the Four Queens is. I had a little two story building there. They bought it and extended the Four Queens. He walked across the street one day. I was going to lunch. He said, "You going to lunch? I said, "Yeah." He said, "You mind if I go with you?" I said, "Yeah." He said, "This Friday's my last day. You got an opening for me? You think that you have an opening for me?" I said, "Yeah." I said, "Yeah, clean out your desk and come over Friday." And did a good job for me. I had through the years a lot of lawyers associated with me and I guess he and John Moran were the best, outside of Annette Quintana. She was with me twenty-two years. And to my knowledge, she was, I guess, the best lawyer was ever around. Tremendous. Tremendous.

*How long did John stay with you?*

Not too long. He went into the practice by himself. I say John was with me about five years. Yeah.

*John Moran also worked with you.*

John Moran worked with me.



*And that's the son of the former sheriff?*

Yes.

*Did John work with you right after law school?*

Yeah.

*How long was he with you?*

About three years.

*Jim Brown was also with you?*

Yeah, Jim Brown was with me eleven years.

*Let's talk about where your various offices were located.*

I started out with offices over the Las Vegas Club, in '48. You know where the Las Vegas Club is now?

Yes.

Across the street. It was across the street. Next door to the Beckley building. When I started out there, there was no office buildings here. And nearly all the lawyers were in offices over the various clubs or stores or in restaurants. Over the Pioneer Club, was Jones, Weiner and Jones. Next door to that, I was in the upstairs over the Las Vegas Club. Only lawyer in that building. Across the street was the Clark building. It was an office building. It was right next door to the Overland Hotel, and the Las Vegas Club is where it used to be. In that building was Harry Austin, [C. Norman] Cornwall, [Oscar W.] Bryan & [Calvin] Cory, John Cope, one other lawyer. Going down Fremont where the Nugget is now, on the

corner was a clothing store. Harvey Dickerson was there. White Cross was down the corner. Next door to it was the White House Buffet Restaurant. It had offices upstairs. And Roland Wiley and Bill Hatton was in those offices. The Bank of Nevada was across the street and in that office was [A. W.] Ham & [Ryland G.] Taylor. On down the street next door was the El Portal Theatre. And upstairs in the El Portal Theater was [Leo] McNamee and [Luke] McNamee and Bill Coulthard and Milt Keefer. Across the street was [David] Zenoff & [Calvin] Magleby. Bryan & Cory moved from up on First Street down to that building. Later on, the Freedman building was built across the street, on the south corner of Third Street. And Taylor & Ham had the corner office. Then Jones, Weiner, and Jones moved in that building. I moved in it. Bryan & Cory then moved from across the street in it. I think they had two moves, I think, in a year.

*Was that the first real office building then, downtown—the Freedman building?*

Yeah, down on Fourth Street. There was a drug store with offices upstairs. The Foley boys moved in there eventually. And that building was Paul Ralli and George Rudiak and then years down the road, Al Gunderson. They were all little old offices. The judge from Winnemucca that moved down here. Hawkins and Cannon moved in there. That was it. Those were all the lawyers.

*How long did you stay in the Freedman building?*

About five years.

*Then where'd you go?*

Just across the street, what is now the back of the Four Queens. And I was there, oh hell, twenty-something odd years.

*Was that a separate office building at the time?*

Oh, yeah.

*What was the name of that building?*

No name. It was just a building.

*There was a building that I remember with a Cornet store downstairs.*

That's it—Cornet store. That's across the street. That's where Zenoff, McNamee, and all these guys had offices. Yeah.

*Where did you move after that office?*

I moved just down the street to the 300 block, Third Street. I was there only a year. I moved up on First Street, in the 300 block, called the Barrister building. And that's where I was when I went on the bench.

*I seem to remember you having an office down on, was it the Third Street, by the old federal courthouse.*

Yes.

*Is that the one you were just there for a year or so?*

That building was the Barrister building. I don't think it's there anymore. That was the name of it. My landlord was a woman and she was the nicest person in the world. I had half of the building by that time. I guess, I'm quite sure I had probably the best library among

the lawyers. I had a better library than the [county] law library. That's the truth.

*Whatever became of your law library?*

When I went on the bench, I sold it to a broker out of Los Angeles. I gave away all my Federal Reporters and Federal Supplements, Supreme Court reports to Annette. And then I gave all of my textbooks and Corpus Juris and Am. Jur. to Jim Brown. The remainder, and the Pacific Reporters, I sold to a broker. Half of my law library was antiquated.

*Were Annette and Jim with you when you went on the bench?*

Yeah.

*Did they go out together?*

Annette went over to Oscar Goodman. And Jim went into private practice. Jim was the nicest man, low-key, methodical to a point. He probably went to court with me several times. Not many, but he tried a lot of cases for me and did well with them.

*Is he still practicing?*

No, he retired the other day.

*Oh he did? And then Annette, is she still practicing?*

She's in a care home down in Huntington Beach, California. I talk to her regularly. She saved her money. Her bonuses from me at the end of the year was probably more than any other lawyer in town was making. Because I used to say, I was leaving more on the bars than most lawyers made. Which was the

truth. They were all great people. All good lawyers.

*Back in those days, all of the lawyers and law firms were right downtown within a several block area.*

All of them were downtown. The north corner of Fremont and Third, was a restaurant called the Melody Lane. Every morning at 8:00, you could find nearly all the lawyers in town. It's the truth. The same way at lunch. It was a damn cohesive bar. Like brothers. They really were. I went out with the forty-year club last Friday. They asked me to speak and I said a few words. I said something about the bar in those days, once a month, Friday at noon, we met at the Green Shack. The darn meeting lasted until seven, eight o'clock at night. Everybody drank. Paul Ralli was called the custodian of the wine. He put in the same order for wine and before we ever got there, several days before, I presume. They always set up a separate bar for us. I started going to them while I was in charge on MPs. By the time I got my year in residence on the police department, I was a regular. They all knew me when I was first hired. I never struggled as a lawyer. I had a good income from the day I opened my office. And because I was practically a member of the bar and, of course, I had been admitted in Arkansas, so I was lawyer, they took me in real quick.

*There was a restaurant on Fremont Street that I understand was a meeting place. I don't remember the name of it but it had a barbeque right in front of the window facing the street?*

Hickory Wood Barbeque.

*Oh. Was that a meeting place?*

That became a favorite place for the lawyers for lunch. They still continued to meet at the Melody Lane until they sold it.

*Where was the Melody Lane? Where was that?*

Right on the corner of Third and Fremont on the northwest corner. Later on it became the Red Garter, a little casino over there. That's when I broke the red line, the city red line. They drew a red line around and said no gambling past this point.

*The Sal Sagey Hotel had a swimming pool and a lot of the lawyers used to go over at lunchtime and after lunchtime to go swimming during the day. Do you recall that?*

I know right where the Elwell was. It was on the corner of Bridger. The Elwell family was an old family here in Vegas. That was an evening gathering place for the lawyers after work. A lot of lawyers went there for lunch and they did have the only swimming pool downtown. Lawyers used to use it all the time, all hours of the day. I can't think of who it was but I was in court one time and Frank McNamee, some lawyer hadn't showed up, so he asked the lawyer on the other side, "Do you have any idea where he is?" He said, "I think he's over at the Elwell swimming." [laughter] I don't remember who it was. I used to go there with a lot of guys, in the afternoon. I don't know anybody in the bar that wasn't a drinker. They weren't alcoholics, either. You'd go and have three or four drinks together. Fortunately for a lax police department, none of them got arrested.

*The town was small enough you could walk home.*

Yeah. I know that when I was a cop, Eddie Davis pulled a guy in and wrote him a ticket for being drunk. And he took him to jail. George Thompson calls him in and eats his ass out. But just chewed him up one end to the other. And told him that if he ever did it again, he would fire him. Our instruction was, if he was a local citizen and drunk, take him home. Hell, we ran a taxi service. God, you can't believe the number of people that Joe Bremser and Bill Hanlon, and a guy named Joe Blancher that we'd take home. There must've been a hundred people in that year. One guy drives his car. The other would drive his car and the other one would haul him home in our car. Oh, I would tell you! The MADD mothers would've been. They'd really have something to howl about in those days, I tell you.

*Here's one: Gladys Smith v. Sherwin Garside doing business as the Bonanza Printers [76 Nev. 377 (1960), 81 Nev. 312 (1965)].*

Gladys Smith worked for a bookbinder. We didn't have workers' compensation and the industrial commission. I don't know what the hell it's called now. Old Man Garside also at one time was a partner of Al Cahlan's in the *Review-Journal*. I'm sure he wasn't then. It came a freakish warm spell in early February, like eighty degrees and he turned off the heat. He didn't have a combination air conditioning and heating unit. He had separate units. He turned off the heat and it turned really cold, down close to freezing. That warm spell didn't last but four, five days. The employees were freezing. I think he only had about five employees, and they went to him in a group. Asked him to please turn the heat on. He said, "This won't last long. It's too close to spring," and refused to turn it on. They were working in there with their overcoats on. I guess nearly

all of them, as I recall, the majority of them got very sick. She got sick. It turned into lupus. Lupus then, was a deadly disease. All the doctors agreed that she had lupus and being overly chilled for a number of days contributed to the illness, which caused the lupus. I sued. There was a statute at that time called the occupational disease act. Had to be work-related. It was exactly the forerunner [of worker's comp].

Anyhow, I wound up suing. I lost in the district court. I was in Bert Henderson's court and Bert was an old-timer and Garside was an old-timer. They came here about the same time and they were bosom buddies. The old-timers stuck together in those days, like the good-old boys in politics, which I had always been accused of. But I had a lot of juice, let's put it that way. But I was independent of the good old boys. Bert ruled against me. I appealed to the supreme court and they reversed it. In those days, and I guess it still is, I don't know long you have now to try a case after it's remanded. It's probably the same as it was then—a year. Right close to the end of the year, it was on calendar for this coming Monday. Ralph Denton represented the guy. His father or his mother died, I don't remember which, on Friday. Ralph called me up and said, "Can we continue this case?" I said, "Yeah. Sure. Oh hell, yeah." I said, "Go on. I'll take care of it. I'll go over and get the continuance." Late in the afternoon on Friday, I went to the judge and got it changed. The judge called the clerk in with the file and studied it over. I got back to the office and I told my secretary the date. I believe it was Manzonie, I'm not sure, or one of the lawyers in the office, other than me, said, "Hell, the year's going to be up, something like Wednesday or Thursday of this week." I said, "I don't have to worry about it for Christ's sake. The judge said it's over and goddamn

well that Ralph's not going to raise the issue." Well, a week before the trial date, I got hit with a motion to dismiss. I was not only angry, but I was in trouble. I called Ralph and he said, "I had no other alternative." He said, "My clients demanded that I do it or they were going to sue me." I told him, "Well, I would have quit." To which I didn't get any kind of answer. Anyway, I went over and fought the motion. George Marshall was hearing it and I think if it had been any other judge, he would've denied it on an equity ground, but he granted it. I appealed that to the supreme court and they affirmed it. My client sued me. I don't think there was three lawyers who carried malpractice insurance in those days. And I was not one of the three. I finally settled with him for \$17,500 dollars.

*It was not a good experience, then.*

No.

*Who was the attorney that represented Mrs. Smith when she sued you?*

He's still around. I can't remember his name. But every time that I meet him, he drops his head.

*That was back in the days where suing other lawyers was something that people didn't do.*

No way could you get a lawyer in this town. I can't think of his name, but I guess everywhere he went, people jumped his ass.

*Did you have any dealings with Ralph Denton after that? Did this become an issue?*

Well, it's a funny thing. Ralph and I had been friendly. We were among the same group that was very active in Democratic politics

at that time. We never were as friendly as we once were, but we didn't become enemies over it. I just wouldn't do it. I always figured that bitterness has resulted in continued unhappiness for people. It just isn't worth it. As well as hatred. Go your way. Forget it. It's done. It's over with. You won't give the people the same opportunity again. You'll try to keep from getting hurt, or bitterness or hatred could arise. Go on with your life. That's exactly what I did after my conviction. Hell, it's done. It's over with. Don't dwell on the past. Go on and have a productive life. Give it the best you can. I never thought of it anymore. I never talk about it. I never bring it up. I never think about it. It's part of my life that's done and gone. I can't resurrect my life beforehand. Just go on and do something with what you have left. And as a result, I have done well. I went right back into the practice and I've been productive for my clients. And made some money. I did well.

*Well, that's a great attitude. Lot of people can't do that.*

They can't recover from it. As the old saying goes: I never gave a thought to what I lost, I was just grateful for what I had left. I was so grateful that the [Nevada] Supreme Court didn't disbar me and that I was able to be readmitted in the federal courts. Jesus, I'm going to sit around and worry and be sad about what the hell I'd lost? All of a sudden, my profession gave me an opportunity to pick up the pieces and move forward.

*Certainly the local bar members welcomed you with open arms.*

Oh, yeah. Every member of the bar of our governors in Clark County voted against the proceedings to disbar me. And that was



a majority, but it happened anyway. All kinds of stories go with that. How that petition was ever allowed with the supreme court. It was the majority of the board of bar governors by one!

*OK, we'll get to that a little bit later. Here's the case you represented Sam Baker and Louise Baker against a Howard Weisberger over a boundary dispute [77 Nev. 252 (1961)]. You're laughing so there must be something to that one.*

Sam Baker owned a restaurant out on the Strip. Howard owned the piece of property where the Sands was built. He later on sold it to the Sands Hotel. Baker built some portion of his restaurant over by a foot . . . one foot! One day he walks in, and he said, "You're a foot over on my property." And hell, Sam was flabbergasted and he said, "Well, surely you're not going to complain about a foot of property." He said, "Oh, yeah." He said, "This screws up my whole property development. This building's only forty feet long," and he said, "I've got a forty feet. . . ." Sam says, "Well, it's only one foot." He said, "Well, you know, I'm going to tear that foot down." Sam said, "No you're not." He said, "Yes I am." They argued around about it and finally they settle down. He said, "You buy it." "So what do you want for it?" I don't remember what it was, but it was a God-awful price. So Sam came to me. He got a demand letter from whoever was his lawyer.

*[Robert L.] Bob Gifford and [William R] Bill Devlin.*

Yes! [laughter] We wound up trying the goddamn case. I know we won. I know how we won. You see, the original survey of that area was so screwed up. We got in there and

we begun to try and figure it out. I had a surveyor working for me and he'd come in one day and said, "Nobody can tell where that line is. No human being can establish where his line is." And that was good.

*And that was your defense?*

You're damn right. In that survey, the starting point was a wagon wheel! They buried a wagon wheel and it was the start. I remember that much about that survey, a goddamn wagon wheel.

*Here's a case that I don't know much about yet. It's the denial of a writ in the U. S. Supreme Court in 1961. The petitioner was Smith, et al. You were representing the petitioner along with Jacob Kossman [368 U.S. 834 (1961)].*

Yeah. Jake Kossman was from Philadelphia. He was a noted appellant lawyer. Like, he was the guy to get. It was Harold Smith, but there were several involved and they were out of Reno when they hired me. I'm blanking.

*OK, we'll come back to it. Here's an interesting case. You tried a case in Reno. Dr. Thomas Wyatt [77 Nev. 490 (1961)]. He was prosecuted for performing abortions. Representing the D.A.'s office was Bill Raggio and Drake Delanoy and Eric Richards. Raggio and Richards were the same attorneys involved in the "Sandman" Williams case we talked about last time. What do you remember about the Wyatt case? Convicted of attempted abortions [on August 11, 1960]. They simply found a lot of instruments in his office that would be used for abortions.*

I'm pretty sure the supreme court reversed that case.

Nope.

I remember the case to this extent as you have just pointed out. They had damn near no evidence at all, and the instruments they found, doctor after doctor said that that was instruments that a doctor would commonly use in their practice. But I remember Bill Raggio saying, "Well, do you have such an instrument in your office?" All my witnesses said no. [laughter]

*That doesn't help. Here's an interesting newspaper photograph dated September 13, 1960, and it's a photograph of your wife.*

My wife was very active. In fact, I used to say that she belonged to organizations that hadn't been formed yet.

*Here's a case where you represented Francis Xavier Lehman in which he was convicted of transporting a woman interstate commerce for purposes of prostitution [on June 27, 1957]. Remember that case? The woman was named Margaret Wells [285 F.2d 50 (1960)].*

Yeah, I remember that. I know I was appointed.

*I see that Howard Babcock was the U.S. Attorney. How did Howard Babcock's appointment to U.S. Attorney come about? Are you familiar with that?*

No, I'm not. That was a Reno case. Federal case in Reno, as I remember. I know I was appointed on it. Shit, they appointed me on everything. No money either. Somewhere in this year, somewhere in there, sixties, I had four consecutive reversals [of convictions] . . . four consecutive. Federal clerk pointed it out to me when I was there at the Ninth Circuit

court. When I was sitting on the circuit. She said that was a record. I don't whether it was a record or not, but I know it was damn hard. [laughter]

*Well, Herb Ahlswede, I thought, tried the case. Didn't Herb Ahlswede join the D.A.'s office?*

Yeah. He was everywhere. He didn't last long anywhere. He was assistant United States Attorney. He was deputy D.A. under Raggio. Then he was down here, deputy district attorney. Then he was a deputy in the attorney general's office. I don't know where in the hell he is now. [laughter] The only thing I'll say, is there was a reason why he was in a lot of places.

*Was Howard Babcock practicing in Las Vegas when you moved here? Or did he come after you did?*

Long after me.

*Was Howard Babcock in private practice before he was appointed U.S. Attorney?*

Oh, yeah.

*He went on to become a district court judge.*

District court judge. And a good one. Yes he was. I feel so sorry for him. He had kidney disease. He had to go every day for three hours on the machine. And they say that's very painful.

*I heard that he wanted to retire but he would have to give up his insurance or they wouldn't cover the dialysis. He stayed on the bench a little longer than he really wanted to because of that.*

Yeah. That's a fact. I know that for a fact. I used to love to try cases before Babcock. I

watched a case down in San Diego—a guy who got arrested for killing a little girl, six or seven years old. Taking her out into the desert and sexually molesting her and then murdered her. I watched that trial. My God! Both of them. They're the same way. Both of the prosecution, several lawyers on each side, but all of them are alike. Not one single objection. They get hearsay in. The judge was a good judge. Sometimes on his own he stopped these people. Introduced an affidavit from a witness reciting what somebody else had told him. There was no objection to it. I was watching it on TV while I was down at my condo.

*Was it a Court TV trial?*

Yeah, yeah. Now, what I was trying to say about Babcock, he had a keen eye for the rules of evidence. So it was joy to try cases before him. The worst thing in the world—the two worst things for a trial lawyer is to try cases before a stupid judge, and the next worse thing is trying a case against a stupid lawyer. You know exactly what a good lawyer's going to do. You know exactly where a good lawyer's going. But you take a guy like Charlie Garner, you don't know where the hell he's going. You scare me to death when I try cases against him! This bumbling idiot. And I liked him! Loved Charlie. I think I told you about him walking out on the supreme court? I think it was [Justices] Badt, McNamee and Pike, I think. I'm not sure he was the third one, . . . I know the others. He [Charley Garner] became the appellant lawyer for the D.A.'s office. I think [John] Mendoza was the D.A. And we're up there. Badt began to fire questions at him. Boy, he could do that. As the cowboys say, he could bring it. And you better be ready for Badt. He started firing questions at old Garner, and finally Garner turned around and

walked right out of the courtroom. Supreme court sat there and they're all looking like this. And old Badt, he don't know, and he's looking over his little old glasses. And so then Badt looks over at McNamee. And Badt looks over at Pike. And they said something to McNamee and all three of them got in close and they were talking together. Finally, Badt says to the bailiff, "Go find Mr. Garner, right now."

Well, the bailiff comes in and reports that he found him walking down the street. Badt says, "Mr. Garner, we expect an explanation for you walking out on the court." He looked right straight at him and in all seriousness says, "Your Honor, you asked me so many questions, so fast, that I got to where I just couldn't think. And I went outside for some fresh air." He was so honest in what he said. McNamee put his head down. [laughter] He said, "All right." He said, "After arguments, ten minutes after we conclude here, we're going to determine whether or not we're going to cite you for contempt." I didn't stay but I went across to the governor's office for something and I'd come out and went to the restaurant to eat. There Charlie sat and I said, "Well, you're not in jail Charlie." He said, "No, they just reprimanded me." I said, "That was a stupid thing to do." He said, "I know. I just didn't know what I was doing." He said, "That son of a bitch." He blamed old Badt for it.

Before he became chief of the appellate session, Charlie was prosecuting a lot of cases. I was on this case with him and during the morning session, he walked around to the exhibit table and I saw this gaping hole on the seat of his pants. He had no underwear on. Embarrassed his damn self. I thought he didn't know it. So now when he turned around to walk back, all the women in the jury was looking up at the ceiling, and the guys were going like this. It really wasn't the most immoral thing any of them had ever

saw, or heard of, but people just didn't go around with their ass out of their pants. When he comes by, I leaned over like this to give him this [gesturing]. He leaned down, I said, "Charlie, you've got a gaping hole in the ass of your pants." He nodded and he never stopped. He just kept walking around the courtroom for various exhibits and showing exhibits that had been introduced to the jury, all the rest of the morning. At noon, I figured that he'd go home. Now I'm back in the hall and the judge comes walking by and he stops. I said, "Why didn't you tell Charlie to go home and change his pants, Your Honor?" He says, "Hell, I fully expect him to come back at 1:30 without changing them." By God, he was right. He came back at 1:30. He never changed during the lunch hour. He was a damn scary child.

*Did you ask him about it?*

No. I didn't say nothing. I just went on like, hell, nothing wrong.

*He retired out of the D.A.'s office didn't he? Did he?*

Yeah. I can't remember who the judge was, but when he walked around for the first time at an afternoon session, and the judge saw his pants and he went . . . [laughter] Then he looked right straight at me and said, "See, I told you."

*One of the strangest partnerships I've heard of is Howard Babcock and [Raymond] "Bud" Sutton. Do you remember Bud Sutton?*

Yeah, yeah. I do. Babcock and Sutton.

*Howard Babcock was about as mild and conservative as you can imagine and Bud is about as far in the other direction.*

Oh, as far as the other way as you can shoot a cannon.

*Wasn't there some story about Bud and his wife? Didn't he get arrested or she got arrested or both of them got arrested for shooting at each other? Remember that story?*

As I remember the story, I mean, they got into a real donnybrook broken home. Bud had a collection of guns in a case. She ran over and got a gun, and he ran over and got one to protect himself. They shot up the whole house. Neither one of them got hit. The neighbors called police; they came down, arrested them both. When she got the gun first, that was Bud Sutton's defense. He only got the gun to defend himself. They were both notoriously bad shots. They shot up lamps. I think one of them shot the TV, right and center. The cops were all laughing about it. I don't know where he is now. He got disbarred. Drinking problem. So did his wife. They were both drunks. I used to think a lot about him, when he was here. Babcock was so laid back and this other guy was a wild superman. I used to think about that every time that I saw Babcock, or Sutton, anywhere, boy what a strange being!

*I was told that Bud was a pretty good lawyer when he was sober.*

He was. He was. Yes sir. He had a lot of ability. And that's so damn sad. It'll creep up on you. It began to creep up on me and that's why I quit. I used to drink heavy. All my friends were heavy drinkers. And it never hurt them any. You just need to know when to go home, when to quit. Pick your times. I never took a drop when I was trying a case. But after it was over, generally, I went with the prosecutor. Had some drinks.

*When did you stop drinking?*

Oh. I stopped drinking about '65. In there. Before the seventies. I tried a case in Tonopah, a murder case, and the jury didn't come in until, oh around, 2:00 in the morning. It had gone to the jury about three. I had gone across with Bill Crowell to the Tonopah Club, in a bar. We had some drinks and he went home about five o'clock. I continued to drink. I was pretty damned drunk by the time the jury come in. Judge was Pete Breen. I knew Pete real well. He had been the D.A. before he went on the bench. I dearly loved his wife. She was something else. I'd stop, going through there, and call and say hello to them, and go up and visit them. Many times I'd hit it just right for dinner and would have dinner with them when I was driving through. We were good friends. I guess the bailiff went in and told him I was drunk. The bailiff came out and he said, "Mr. Claiborne, the judge wants to see you." I went in. He said, "The jury's in." He said, "You've had a little too much to drink, haven't you, Harry?" I said, "Yes I have." He said, "Well, you recognized it." I said, "Yeah." He said, "I don't want any disturbances." He said, "I'm telling you—regardless of what the verdict is, or what happens in there, I want you to retain your dignity." I said, "That I promise you." I went in there and didn't say a word. My client was the deputy sheriff and we had to wait for him to get there. They kept looking at me. I knew I had too much to drink but I knew what I was doing.

There's this one time he said, "You all right?" and I said, "Not really. But don't worry." I never said a word. He heard the verdict, dismissed the jury, they left, he exonerated him . . . oh, no, he didn't. He was out on bail put up by about a dozen people in Tonopah. He told me later that when he discharged the jury. I stood up and I was

holding the back seat of the chair. He thought, oh God, here he goes. I said, "Your Honor, I move to exonerate the bail." He said, "I never was so relieved." That's the only time that I was ever in the courtroom drinking.

*I heard stories that years ago there was a bar downtown about a block and half from the courthouse called the Annex. And guys would try cases and then they would go over to the Annex. And they would drink until they waited for the court to come in. Apparently that was a commonplace occurrence.*

Oh, yeah. For years and years, all the lawyers went there, regardless of who was the D.A. The defense lawyers—and the D.A.'s, if it was a civil case—they'd all go over to the Annex and wait for the verdict. When the jury came in, the bailiff only had one call to make.

*You represented George Owens, doing business as Owen's Insulation, against the International Association of Heat and Frost Insulators and Asbestos Workers of America. Was there anything in that case [213 F. Supp. 927 (1963)]?*

I just remember the case, what it was about.

*Cora Galenti Smith versus the U.S. Apparently you remember that case [321 F.2d 427 (1963)].*

Ooh, I sure do. Cora Galenti was practicing face peeling in California. She had no license. But she had a hell of a business—movie stars, prominent women in Los Angeles. She got into so much trouble there, that she moved to Las Vegas. She bought a ranch—Glen Jones's ranch, out towards Boulder City, edge of town. She began to ply her trade. She had some disastrous results. She scarred some of the local women hideously. We found out the



product that she would use was some kind of acid. I want to say carbolic acid, but I'm not sure that was it. And Jesus Christ, a lot of them. And I don't know whether that's the first case or not... [silence]... criminal cases, I had of those. Then they whipped it into federal court under that mail fraud statute because she was sending a brochure all over the country. Advertising her product that she was using. She got a lot of good results. I remember, it states here, I got witness after witness who testified how good the product was. She was convicted and we appealed. We were right; they said we were wrong. It was one of the worse affidavits for a search warrant I ever saw.

*It looks like the U.S. Attorney now as John Bonner. Now did you tell me that he was one that got his law degree through mail order?*

At the post office. [laughter] He had his graduation ceremony at the post office, I think.

*Do I remember a story that he went to the [Nevada] Supreme Court with you and he had a book with tabs in them so he can find his place and you had removed the tabs in his book, before the supreme court argument?*

No, that's not the true story. That happened down here in the same case. The story that you're talking about is the same. But the law library used to be in the old courthouse on the second floor. And that's why I said I had a bigger library than the law library. We got this case and I'm prosecuting it. John's defending this guy, and I don't remember who the guy was or what the damn case was about. But I went into the library and here's old John, got this stack of law books this high and he got them all marked with book markers. There

was a bookmark on every one of them. I thought, Jesus. He left. The D.A.'s office is right around the corner from the law library. I walked in there and I saw that John was gone and he's got all his books. I took each book and put the bookmarker in a different place, never believing that he didn't have the citation written down. But he'd just find the case, read it, put a bookmarker in it and put it on the top. Jesus.

So we go in to court. Frank McNamee's the judge. It was a motion of some type. Gets up to argue. Now, John read half of the first page of some civil case. McNamee began to look at him. John said, "I don't believe that this is the case." McNamee said, "I'm sure it isn't." He puts it down. He said, "But here" and he starts reading this case, before kinda reading it first. He looks up and says, "I don't think this case is it either." Took the third case. Read a little of it. You'd think by now that he'd look at it and make sure. Not John. He read a little of it and he stopped. He said, "Your Honor, I don't know how to explain this. But I need a recess." All the time, McNamee's looking at me. I said, "I'll agree to that Your Honor. I'll agree to that." McNamee said, "Oh, I'm sure you're happy to do that." How that son of a bitch knew I did it, I don't know. Or thought I did.

*Did you ever tell Bonner what you had done?*

Well, this is a funny story. This is where Reno comes in the thing. We get up to the supreme court. Now, Bonner and I are on the executive committee of the Clark County Democratic. We get there and he argues the case. Now, we get into Reno, after he argues the case, and the central committee is meeting over in Elko. John and I went into Reno and we're having lunch. We went up separately and during the meeting, we discovered both of us

were going over. Bonner said, "Well, maybe we can both go together and come back here and pick up our car and then go home." Yeah, that would work out. We got in John's car. We got about halfway to Elko, and it begins to snow. It's not heavy but it begins to snow. I decided to tell John about the books. I told him. He threw the brakes on his car. There was enough snow on the road about that time, about a quarter inch, just enough that the car slid all the way over and off the road. He jumped out. He began to curse me, running around the car. I jumped out. And I ran. I didn't want to fight him. I think I could whip him easy, but I ran. I just didn't want to fight him. Half of the time, I'm running backwards holding my hands up. I definitely made four, five circles of the car. While I'm at the back, he stopped and got in the car and drove off. He left me on the highway! He never came back for me. I'm out there in the goddamn highway and it's snowing! I'm looking both ways and I don't see any cars coming from any direction.

Finally, a guy comes by in a cattle truck with his kids, and he stopped. He didn't ask me to get in. He said, "Say, fella, what are you doing out here in the middle of . . ." I had a suit on, everything. The kid rolled down the window, and I said, "Well, I was riding with a guy who got mad at me and he put me out of his car and I'm stranded out here." He said, "Well, where are you going?" I said, "I'm going to Elko." He said, "Get in, I'm going there too." He had been to a cattle sale down somewhere. I get into Elko and he wouldn't speak to me. I said, "John?" From a distance, I said, "You still mad at me?" He turned around and walked away. I rode back to Reno with Cliff Jones. I wasn't going push it. Ask him if I could ride back with him.

*Billy Garnick. This ring a bell?*

I recognize the name. I know I represented him somewhere down the road but I don't remember anything about it.

*On September 1, 1963, the Review-Journal had a picture of you with a watermelon and apparently a friend of yours started sending you watermelons from Arkansas. How did that come about?*

Well, Hope, Arkansas is noted as the watermelon capital of the world. They grow some big ones. I had a friend who was a college schoolmate of mine, and he was practicing law in Hope, Arkansas. So we're talking to him on the telephone. I haven't talked to him on the phone years down the line, I guess a year before this. I said, "Goddamn, I wish I had one of those big Hope melons." He said, "OK, OK, I'll see what I can do here." I'm just kidding him, I can buy a melon here. My God, one day I get this one. This was 140 pounds. The one he sent me the year before, ninety pounds. I never saw such watermelons. In the box, he had a note: "I'm exceedingly embarrassed, but this melon is so small. But this was not a good melon year in Arkansas. [laughter]"

*How long did this continue, sending you melons?*

Just those two years.

*I don't know about the case, but you were representing Ray Chenoweth and Bill Mirin.*

Bill Mirin! [laughter]

*There was a fight with the cab company [79 Nev. 403 (1963)].*

The cab company. We fought the city until the blood ran down in our socks. We were in and out of court. I don't know how

many events. We must've tried five cases. They were interested in the number of cabs. I think we started out, they denied our permit. For any cabs. Finally they wound up so few it was unprofitable, and they denied our request for more cabs. That's a thumbnail sketch of what they were all about.

*I remember that there was a lot of fighting about the cab companies and the county and they referred to it as the "taxicab wars." It was a result of that, that finally they organized a taxicab authority. Do you remember that?*

Yes, I remember that. I remember it. There was a lot of violence—cab drivers dragging cab drivers from a competing company out of their cabs, beating them up, some of them horribly beaten. I hope I'm not overstepping facts, but some cab driver was killed. I'm sure of that.

*Did you have any other dealings with Ray Chenoweth? He's a pretty well known person. Bill Mirin. Did he get into some criminal problems? Did you represent him?*

No. I think it was a string of burglaries. He's still living and he's around here. He's been in constant trouble for years. Yeah.

*Was that the only time you represented him?*

Yeah.

*Willis B. Smith and Amelia M. Smith and Las Vegas-Tonopah-Reno Stage Lines v. the City of Las Vegas [80 Nev. 220 (1964)]. You were representing the Stage Lines. That was the bus company that ran from Reno to Las Vegas, as I remember.*

Yeah, that's right. Silly goddamn case. I lost it. Thought I would. A permit case for the

same people. I was attorney for, not the Smiths but, Sebastian Mikulich. The Las Vegas-Tonopah-Reno Stage Lines. The question here—the bus company was using a storage shed that was not in a C-2 zone for storing their buses. In other words, they were using this building to house their buses and it was not in a proper zone. [laughter] I claimed they weren't storing them there, they were parking them there.

The Smiths owned the lot. They owned the lot where they stored the buses. I can just see their lot. It had one building on it but it looked like a garage with two buses. A whole bunch of buses. That was against the ordinance. Now surely they would mention my great theory. [laughter] I had more fun practicing law than any man living. It was really wonderful. Yeah, here it is! "The appellants contend that there is no showing that they violated the ordinance because the buses were not stored, but merely parked." [laughter]

*It goes on to say, "this is a field of semantics into which we do not feel it is necessary to enter."*

[laughter] How you going to enter into that field?

*Here's another big case. The Nevada Club apparently had a keno ticket for \$25,000. There was an issue as to whether the keno machine operated properly. Someone won \$25,000 and the Nevada Club said we're not going to pay it because the machine malfunctioned. Do you remember that [82 Nev. 166 (1966)]?*

Yeah. Well, who was the guy? Do you remember? I had two of those. Wyatt Broad versus the Fremont later on. We settled it. I think I filed a suit. I know I did. Then we settled it. We settled in for \$15,000. I can see him now. They knew he wasn't a cheater and

he wasn't cheating the machines. The guy was playing the machine next to him with a doctor's wife. She saw it hit. The guy was a real wild man . . . had owned the Nevada Club. Can't think of his name. [Robert Van Santen] Nevada Club was a little joint. He came down himself and he saw that the guy won. He goes away and called the guy over, I guess the slot machine mechanic, whoever was there, and they talked about fifteen feet away from the machine and leave him standing there. The owner said to him, "OK, come with me. He's going to check out the machine. If it's a legitimate pay, I'll give you your money." They walked up to the cashier's station and my client stayed there. The guy comes back and said, "It was a malfunction." He said, "In fact, while I was looking at it, it kicked off." The woman who was playing the machine next to him, the doctor's wife, I can't remember her damn name, but she said, "It did kick off, but he had been in there working on it or something." He kicked it off. They convinced Ed Olson.

*The Gaming Board turned it down.*

Yeah, they turned them all down.

*This was the court case. Michael Catrone and the Nevada Club, was Robert Van Stanten.*

Robert Van Stanten, yeah. That was the guy. Van Stanten, crazy as a loon.

*But let's talk about Sylvester J. Azbill. What was that case about?*

It was a murder case.

*Now were you involved in that . . .*

No, no. I was involved [in] it to this extent that he had worked for me at one time as an

investigator. He was good at it. While he was working for me, I had a lady who lived over in the [Rancho] circle named Maples. Her husband was one of the owners of the Sahara Hotel. He died. I was in litigation for her over the will and I got her half of the stash. She had a lot of money. You may have known Ed Maples. Then, both of them were elderly. I don't how old she was, but I know she had to be in her seventies. While I was representing her, Sylvester had a lot of contact with her. He was a young guy. I think about thirty years old or maybe in his late twenties. He had a lot of contact with her and I didn't know it until after he'd murdered her. My secretary knew it. He'd been spending a lot of time with her and eventually married her.

*Married her?*

Yeah. I was gone to Alaska hunting. I came back and my secretary's in my office. She couldn't wait to tell me that Sylvester married old lady Maples. So, when he comes in to work that day, I said to him, "I know exactly what you're up to. Nobody with your good looks, as young as you are, is going to marry that old hag unless they have an ulterior motive." I said, "If I had been here, it would not have happened and you damn well know it." He said, "I love her." I said, "Sylvester, you're a goddamn liar. Now you've worked the last day you're going to work for me." He said, "Well, you're not through with her case yet." I said, "Oh, you think that you can make her do whatever you want to do. You're mistaken. She's a strong old lady. So, you're not kidding me." He said, "Well, am I fired?" I said, "You're fired. Draw your check." He said, "Well, Louie Weiner will be over here for your file after awhile." I found out that later that he and Louie had been talking before this. [Sylvester] came

over and said, "I'd like to get her file." My secretary said, "Harry will have to give it to you." He said, "It's my wife's file and I want it." She said, "Well, you're going to have to wait until he comes back from court."

He didn't come after it when I was there. I hadn't seen him, but once, and that was from a small distance. Anyway, I stayed their lawyer and I finished the case. I think during all that period of time, I only saw him once from a distance driving by. I lived over on Rancho, the corner of Rancho and Alta. Tom O'Donnell and I were, one Sunday, watching the ball game on TV and he shows up. Comes into the den and sits with us. Says, "Good to see ya Harry. How've you been? I've been so busy." Said something about him doing what he was doing for his wife that kept him so busy and that they were going on a voyage. I'll bet he went on it with the purpose of pushing her over. She was an alcoholic. Of course, he was feeding it to her, you know that. He spent about an hour with Tom and I. I don't remember exactly where or what part of his conversation with us made us suspicious, but something to the fact that she was an alcoholic and what a burden he had and all of that. I didn't pick up on it. Tom did.

When he left, Tom says, "You don't like that son of a bitch, do you?" I said, "No, I don't." He says, "Well then I'll say what I think." He said, "I think he's going to kill that old lady." I don't know how, really, Tom could come to that conclusion from what he said because he didn't say anything about how hard it was to take care of her, and how much she's drunk all the time, and now she's taking pills, and it was no life with her. If I had harbored any conclusion, it would've been that he intended to get a divorce. But Tom, he didn't. He figured differently and he said so! Well that day, I think, he came over to

my house, I'm sure of that, to create an alibi. He hit it perfectly, that Tom O'Donnell. Now mind you, I haven't seen him in person since the day I fired him. Mind you, he's trying to get Louis Weiner substituted in the case. He not only dopes her up, but fills her up with liquor, puts her on the bed. He and his son is there and pours lighter fluid, three cans of lighter fluid over her, and sets fire to her. She passes out, sets fire to her and kills her. He's still in the penitentiary.

*Did that happen that day that he was over talking to you?*

It already happened.

*Did that go to trial?*

Yeah.

*Who represented him?*

Louie.

*Did you testify?*

Nope. They never called me. I didn't know anything.

*His name comes up from time to time for a pardon.*

He may have a record for pardon applications by now. He was a real squirrel, but boy he could get information.

*We're going to have some fun today. They're great stories. So this is going to be a fun day. One has to do with Judge Ryland Taylor where you tried what possibly was the first breath analyzer machine or testing apparatus. Tell us about that one, please.*



The first drunken driving case where they had a breathalyzer. They put on this witness, over my objection. I attacked the reliability of it and he refused to admit it. He said, "I'd leave the bench before I'd ever admit this jackass machine." Every other court in the country admitted them in. This is real early. I had sincere reservations about this damn machine, too, but he hit it right on the head.

*Tell me a little bit about Ryland Taylor. Was he a long-time Las Vegas or did he come from another area?*

He was a long-time Las Vegas. He was a partner for years with Art Ham Sr. Very good trial lawyer. I had tried several cases against him and he handled a few criminal cases too when I was in the D.A.'s office. I was trying all the felony cases. There was a guy, wife ran off with some guy in California and he followed them up here and found out where they were. They were living in an apartment over in Henderson. He shot and killed the guy. The guy had some money, so he hired Ham & Taylor. Ryland did nearly all the trial work but they were both at the preliminary hearing. He was bound over, of course. At the arraignment in district court, he showed up with a different lawyer. I don't remember who it was. I met Ryland in the clothing store, something and Austin, I don't remember. I'm in the clothing store one day, one Saturday. He walked up to me and said, "Well, I guess you were relieved to see I wasn't in this case," and he gave the name of the case. I've forgotten what the name of the case was. I remember the defendant but I don't remember the other guy. I mean the victim. I said, "Well, what makes you think that?" He says, "Well, hell. I just knew you'd be relieved that's all." And I said, "Hell no! He went out and got a good lawyer." I'm one of the youngest lawyers. He

cussed me all the way out the store. He was typical westerner. He was a helluva guy.

*Was he a little grouchy on the bench?*

All the time.

*Why do you think that was?*

I don't know. He always was that way.

*Even before he went on the bench?*

Yeah. Yeah. A lot of the lawyers, they used to call it a volatile institute.

*Art Ham was pretty grumpy too, so that must have been a great firm to work with*

Yeah. They were grouchy as hell. They snarled all the time. Both of them. In court, they snarled all the time.

*Let's talk a little bit about George Marshall. I know you've told the story about him leaving the bench on Friday afternoons to go out and play golf. Tell us that story.*

I had a case in his court and I had some kind of order that I wanted signed pertaining to the case. I went over to the courthouse and he wasn't there. I caught [Judge] Clarence Sundean there and he signed the order. The next court appearance in the case, he glared at me. It wasn't a harmonious relationship between us anyway. He snarled at me and I knew he was just waiting, always waiting to jump me. He said, "Before we start, I want an explanation." He held up the order. He'd taken it out of the file and he held it up. He said, "I want an explanation from you why you went to another judge to get this order signed." What I said was, "I went over to

your office, your chambers, and it was early afternoon as you can see from the file stamp and you weren't there. I inquired where you were and nobody knew. So I went and got Judge Sundean to sign the order. I found out later that you were at the Horseshoe Bar that afternoon and didn't come back to your office." Oh, his face got deep red. He got so damn mad. I said, "If you'd stay in your office on Friday afternoons, lawyers would be able to find you and we wouldn't have this difficulty." I never took anything from him. I always put it right back at him.

*What was George Marshall's background?*

Well George Marshall was an old timer. He was a good judge. He was knowledgeable, in most cases had a very good temperament on the bench, and he was accommodating as a judge could be without passing over the line. Since he was an old timer, he was very popular with the voters and the people, and rightfully so. But for some reason, and it might have been just as much my fault in looking back, he didn't like me. I could walk into court and his whole temperament changed. He just couldn't stand me. Of course, it was a temperament I wasn't going to surrender to him and we had some battles.

*Was he on the bench when you first started practicing or not?*

No.

*Do you have any cases with or against him before he went on the bench?*

Only out in Henderson when I was city attorney. He was off of the bench for four years. He ran against [Senator Pat] McCarran. That's how smart he was. Of course, McCarran

clobbered him. I guess the law still is that you have to resign the bench to run for the Senate. Somehow he thought he could beat McCarran. I don't know how in the name of God he thought he could beat McCarran. Nobody could beat McCarran. He'd have defeated Christ if he would come back. So he's off the bench four years, and drunk four years, and ran and was elected. When I was admitted, Frank McNamee and Bert Henderson were the two district judges. Frank McNamee was probably the best district judge we ever had. He was unlike most geniuses. He was practical with it. Very, very good judge. He knew more than any lawyer that came into the courtroom and he knew as much about your case as you did, when you walked into court. He had a good even temperament and he was just, I guess, the best trial judge I ever saw. Maybe the closest to him would have been Judge Bowen from up in Reno. Grant Bowen. But Bert Henderson was with him. So, it was a lot like Judge [A. J.] Maestretti up in Reno.

I hit him [Maestretti] when he was old. In fact, he went to sleep. I may have told you this, I don't know. I'm trying a case with John Drendel. Who was a master lawyer. I'm up arguing a motion. I don't remember what the motion was but I had made a number of motions for a mistrial ahead of this motion. I'm really into the argument and I'm grabbing law books and reading and I'm really into the mission. John Drendel started pulling on my coat. I leaned over, thought I'd missed something, and he says, "The judge is asleep." I looked up. He's even snoring with his mouth wide open. He was snoring to beat hell. Not quite a subdued snore, it's a wonder I hadn't heard it before. I looked at him and at first I was flabbergasted and then I went to laughing. I looked over at the jury and they had known he was asleep for, I guess, fifteen minutes.

When I shut up, it woke him up. I sat down. He didn't hear my argument so I just sat down. He says, "Your motion for mistrial is denied." I said, "I didn't make a motion for mistrial." He said, "Well, whatever motion you made, denied!"

*We previously talked about the "Sandman" Williams trial. One of the things we didn't talk about was an episode with Judge Merwyn Brown when you saw him drinking at lunchtime.*

I was afraid some of these things would come out. Yeah. When I told him [Judge Badt] that I would go and defend him, he told me that he was going to bring in a visiting judge. I neglected to give him a list of judges not to bring in. So he brought Merwyn Brown in. I had had a little run in with him trying a case up in Winnemucca with George Lohse. I filed an affidavit against him, George and I both did, for judicial misconduct and I guess he couldn't wait to get a shot at me. He made my life miserable, my life was already miserable up there, and I didn't need anymore. I was already at the breaking point. Les Frye had volunteered to help me in the case and we had lunch every day at the Holiday Hotel. Old Brown would come in there every day and drink his lunch. Every day I'd sit in the booth where I could watch the bar, and I'd count the number of drinks he had. There were always four or five and I never saw him go into the dining room to eat while I was there. So I considered him drinking his lunch. He must feel pretty good when he went on the bench. I'm sitting there watching him drink this day, and I turned to Les. I said, "Les, we're going to have some fun when we go back to court."

Well, we went back to court and we got in there and we were in session for about five minutes and I said, "Your Honor, can we approach the bench?" Of course he said,

"Yes." I go up to the bench and I go [sniffs the air], and I said, "Are you drunk?" And I do like that [sniffs the air] four or five times. I said, "Are you?" He leaned way back like this. I said, "Are you drunk?" He said, "Keep your voice down." I said, "Well, are you drunk? Are you drinking judge?" He said, "Keep your voice down!" I said, "God, you smell like you fell into a beer barrel. I want you to know, right now, that I have a man's life at stake, and I can't risk his freedom to a drunk judge. I'm not going to do it." I knew that the first two or three jurors were hearing this "Oh. We're going into chambers," and he said, "Ladies and gentlemen of the jury, court has something else they got to take care of in chambers. You should not concern yourself with it and we'll be in recess till the call of the court."

We went into chambers and I took my time getting in there. We get into chambers and there set the court reporter and he jumped out of his seat and he says, "Now you have done it, you son of a bitch!" I turned around and I said to the court reporter, "Take that down! Let the record show that he called me a son of a bitch!" I began to yell, "The judge called me a son of a bitch!" Bill Raggio was standing in the door; he never was all the way in, with his arms folded and grinning from ear-to-ear. He couldn't have anything better. I says, "I demand that you go out to the hospital and take a blood alcohol test." He says, "Don't take that down!" I said, "Take that down!" He says, "Don't you take that down!" I said, "Take it down!" He said, "I'm not going to do any such a damn thing. OK. OK. Get out of here! Get out of here! All of you, get out of here. Go back to Court." In he comes. He was smarter than I thought he was. He gets on the bench and told the bailiff "Call the jury in." They called the jury in. He says, "Ladies and gentlemen of the jury, we

have a matter that the court is going to be occupied with other matters this afternoon, you're excused and free to go home and be back tomorrow morning at 8:30." He looked at me and he went, "Ha!"

*Was Bill Raggio joining in your motion for him to go down and get a blood alcohol test?*

No. He was there when I made it.

*Also in that trial I heard a story that you said something to the effect that that was the dumbest ruling I've ever heard. Or I've never heard dumber rulings.*

No. That's not what I said. That's not what I said. He ruled and I said, "My God!" I shook my head and I said, "Judge, you know something? The two dumbest judges I ever knew are both named Brown." I didn't tell him he was the dumbest judge I ever saw. I just substituted dumbest—they were both named Brown. I'll tell you one thing, I always attributed to a great measure, this guy not getting the death penalty, was Brown's treatment of me. I think the way I fought him back that the jury, at least maybe, admired me. I just must have tried a masterful case, that's all I can say. I never considered it my best job as a lawyer, but I considered it one of my best trials.

*Or the best result.*

Yeah. He got life. And that was a shock to everybody. There was so much prejudice in the community and so much prejudice in the bar and everywhere.

*I had heard that Merwyn Brown was pretty much of a tyrant in Winnemucca; pretty much ran the town.*

Oh, he did. He did. Yeah. Yep.

*Did you have any dealings with him?*

Just one time. Oh, twice, twice. George Lohse and I represented a rancher that was accused of cattle rustling. We had investigated this thoroughly. To us, it was a frame-up. We believed that he had had some run in with Brown. We were certain of it. We came to the conclusion that either he was in a conspiracy in the thing or that he was a warm personal friend of the guy who lost the cow. As I remember, one cow and not some terrible thing.

*Did you know him as a lawyer before he went on the bench?*

No. No. No. Those three cases were the only cases I ever came into contact with him. I never even met him before the first case. I had a run in with him because he owned the insurance company. I had a personal injury case with Gray Gubler. He had a client and I had one—there were two women in the car. A rancher up there went over the centerline and wiped out their car and they had horrible injuries. They were from Las Vegas. One of them hired me and the other one hired Gray. I found out when I got up there that he also owned the insurance company, but he did not disclose it. I didn't do anything about it. We didn't have court challenges, then and when I found it out, I told Gray. Gray was a good practicing Mormon. He went to his room and worked on his case at night and I went to the bar and hustled potential witnesses. Not really. So, that's where I picked it up. I went back to the motel and I told Gray, "Shit. We're in deep shit." After I told him, well, I went back to the bar. It was early. And lo and behold, the adjuster walked in. We went

over and sat down at a table over there in the corner and talked settlement, drank and talked settlement. I settled mine for \$40,000, which I was hoping to get \$60,000 but I knew \$40,000 in the hand, under the circumstances. So, anyhow, I went back—Gray didn't want to take it. I said, "Well, that's up to you." I had told the adjuster that I'd talk to Gray and see if he wants to go along for the same amount. Finally, he did. Then I went back that morning. I went down to the courthouse. Gray and I drove up together, and I said, "Wait for me." I went up to his chambers. He said, "Well, I'm glad you settled that." I said, "Well, I didn't have much choice. Under the circumstances why didn't you disclose to us that you had an interest in the insurance company here that wrote the policy?" He said, "That had nothing to do with this case. Are you telling me that you think I would have been prejudiced?" I said, "That's exactly what I'm telling you." He said, "Well, get out of here." I went back to the car and drove home. I was glad to get the \$40,000, I'll tell you that.

*I was talking to a veteran lawyer not too long ago who told me a similar story about him in Winnemucca. He wasn't aware, until after they'd settled, that Brown was involved. He didn't know until they got the insurance settlement check that was countersigned by Brown.*

*Morris McGaughey. The person that you represented that had someone who looked identical to him?*

Yeah. That's the best job I ever did. McGaughey. This is a fantastic story, it really is. McGaughey owned a motel out on the Boulder Strip, Boulder Highway. He was a good man. Never been in trouble in his life. Not even a traffic ticket. Worked hard and ran

his motel. Was vice-president of the Nevada Motel Association and as fine a man as you'd ever meet in your life. One day, I believe it was the First National, I'm not sure which bank it was, but it was in the Huntridge. It was a Friday afternoon. There was a woman behind the cage, the teller, and a woman at the cage doing business with the bank, and a woman at the little lazy susan that was over in the middle of the bank with the deposit slips and so forth in it. She was making out a deposit slip and this guy walked by her, and stood behind the woman who was transacting business. The woman got through and started walking away. He put a gun in the face of the teller and robbed her of what money she had. He ran out. Met the woman running out that had been at the lazy susan, ran by the woman that was ahead of him. Went out the door and knocked a customer down. They both went down on the sidewalk; he got up and ran to his car. The two witnesses, the guy he knocked down and the woman going out of the bank, observed him run and get in a beige Lincoln sedan. The pistol that he thrust in the teller's face was a nickel-plated pistol. Of course, she wasn't knowledgeable enough about guns to know what caliber. She didn't know the caliber. It was a nickel plate.

Now McGaughey, also, was in the sky light business that he called the Adlight Company. He'd go to special occasions and they'd hire him to shine the skylights in opening of stores and celebrations and such. He had a job at the El Cortez Hotel. Well, he and his assistant were out in the parking lot running the lights, and it was a very cold night. They turned off their lights and went into the bar for a drink. They sat down. He sat down next to a woman who just happened to be the woman that was going out, to have observed him when she left the cage, turned around looked at him, she observed him as



she walked by, observed him as he ran out the door and observed him running and getting in the car. She punched her husband and she said, "The guy sitting next to me is the guy who robbed the bank." He said, "Are you sure?" She said, "Yes." Well, her husband got up and called the police department and the police department called the FBI. An agent came down and met a detective at the front door. So, him and the FBI agent sits down next to the husband and says, "You sure that that's the guy?" The husband is saying this. To the husband, "Is she sure?" "Yeah." He says, "We'll wait until he leaves and then we'll talk to him." Well, he went back out to his sky light, he had a uniform on, coveralls with the name of his company on them. The detective followed him. The FBI agent waited for him to leave, and he left. He came in and sat down next to the woman and she told her story. Said, "That's him." So then the detective walks in and says, "He's running some sky lights right outside the hotel." The FBI agent said, "All right now. We all three are going to stroll by, me, your husband and you, are going to stroll by those sky lights and I want you to look at him real close." They did. She said, "That's him." He goes back to the FBI office and gets the address of the two witnesses. They go get the teller and the guy that was knocked down. They go get them and bring them down in the nighttime and they walked them by the skylights and they also said, "Yep. That's him." So they sent them all home.

They tail him home that night and they find out he lived in this motel. They go and get an affidavit for a search warrant and the next day they go out and they search his place. Lo and behold they find a silver-plated .32 caliber pistol. And sitting in front of the motel is a beige Lincoln. Can you imagine? They arrest him right on the spot. They charge him with bank robbery. Now there was also two

supermarket robberies. There were a total of six witnesses to the two supermarkets. George Franklin is the D.A. He files two robberies in the markets. They already got him in custody. They arraign him and set bail, and we make his bail easily and they go to trial—federal court [bank case]. We appear in [state] district court and they set trials in those two cases in district court [supermarket cases]. I believed in this guy from the very minute that I talked to him in my office. I just knew. I couldn't explain all of the identifications, but even then I had learned that the most unreliable evidence in the world is eyeball witnesses. In some area, they are always wrong. But you can't very well discount that many witnesses in different robberies. About all I could find was a receipt he'd gone to Sears that day, about the same time, and that the robbery was taking place about the same time that he was at Sears. We were unable to establish exactly when he was there because he don't remember exactly when he left the motel, but he knew generally. The clerk that waited on him at Sears remembered him, remembered he was there, and remembered it was the afternoon, and that was about all. That's as close as I could get to a defense. I tried the case with sincerity, what I believed, character witnesses, and his constant reputation. I know in my heart he's innocent and it's not my job to prove he's guilty. I hope that I conveyed that to them, I don't know. That's the way I tried it. Well, I convinced three of them. They hung. It was nine to three; the judge sent it down for retrial. So, we go over and we try the case in [state] district court. All I had was the same thing I had in federal court. All I had to offer them was my belief and sincerity. It's amazing how sometimes that works. Would you believe? Ten to two. That was with sincerity and we believe he was at Sears. Gosh.

Vigorous cross-examination of the eyewitnesses. Oh I got a lot with the eyewitnesses, which you always can do. Now the second case had been set and the second trial in federal court was set and not too far away. I had a murder case in Eureka [Nevada] and I'm up there investigating. I finally got to draw some people [as clients] who had a little money. But, the court stated that I had to do my own investigation. I was up there and the sheriff was a good friend of mine. Shorty Soholus [phonetic]. Good man and good country, nothing but ranchers. I enjoyed him. Sometimes he was on the other side; many times he was undecided. I go in to talk to the sheriff. I said, "We're not going to talk about the case, Shorty," and he said, "OK." "So this is just a social visit." He said, "Good." He was relieved. He got a call. One-man sheriff department. He said, "I won't be but a minute, don't leave." I said, "OK." But while he was gone, Shorty had a whole wall lined with wanted posters. Some of them must have been twenty years old. I was busying myself looking at those wanted posters and I looked and there was an artist rendition of my client! I thought Holy Christ! Now I read the wanted announcement and saw it was a bank in Reno. I knew it was McGaughy's picture, just plain as hell. His mother couldn't have identified him any better with that artist work. When Shorty come back, I said, "Can I take this poster?" He said, "Well, hell yes." So I took it.

I get home and I call McGaughy and his wife to the office. I said, "All right, where were you on such and such a day." He said, "I don't know. What's that got to do with my case?" I said, "A helluva lot. Go home. Figure out where you were." Hours later I get a call from McGaughy. He says, "Hell, I was at a convention of the motel association here in Las Vegas at the Thunderbird Hotel." "You can prove that?" He said, "Yeah!" I said, "OK, get

down here." So he came down. He comes into the office and shows me that on that very day he's presiding over the convention as the vice president. He showed me the roster of the members present. I said, "OK, I want twelve of those names." I get the twelve names, I get the roster, I get in my car and I go all over the state, showing them the Reno wanted poster. Taking an affidavit from them, going and finding a secretary to prepare it, going back getting it signed before a notary. I did that until I got the twelve people from different parts of the state. I come back.

While I was doing all of this, I was in Reno. I got his real picture that I got him to bring. I went to the bank manager and told him what my mission was. I think I have a client that's mistaken for the guy who robbed the bank. I showed him and asked him if I could talk to the young lady and he brought her into the office. I handed her the picture and I said, "Do you know this man?" She said, "Why I should . . . he robbed me." I said, "No, he didn't rob you." I took out the poster and I said, "This is the guy that robbed you." She said, "Well, it's the same man." I said, "No it's not." I said, "That's what the FBI thinks too. But it's not." I took an affidavit from her that I had showed the picture to her and attached the picture to the affidavit that she recognized it as the person that robbed her on that day. I came back, with all of it, and Bob Linnel was Assistant U.S. Attorney. He said, "Hell. This is amazing! But I know it's true. I'll dismiss it. But you know how it works, I have to get permission from the Justice Department." He submitted the whole thing to the Justice Department. Would you believe, they denied it. He called me up on the phone and he said, "I can't believe this. Come over here I want to show you a letter." I went over and looked at the letter and saw that they wouldn't give him permission to dismiss it. He said, "I gotta try

it.” I said, “Well, you shouldn’t have to try it. I’m going to introduce all of this. I’m going to win. Hell, if I can get a hung jury without it, I can get an acquittal with it.” He said, “Yeah. I know that. But I gotta try it.” Way down the road we found out that the head of the FBI, when the Justice Department talked to them said, “We’re not in the business of surrendering to defense lawyers.” Can you believe that? That’s what he said.

But anyway, I says, “I’ve got an idea.” I said, “I have known Roger Foley ever since I’ve been . . .” I said, “In fact, he worked for me when I was in the D.A.’s office. If ever there was a man who insists on doing the right thing, it’s Roger Foley [Jr.]. Let’s go in and confront him with our problem.” He said, “OK. Sure, let’s do it.” So we went in. We showed him everything that they had, and that I had. First thing he said was, “I was just like you in the trial. I knew in my heart this man was innocent but I couldn’t establish any evidence of it in my mind. By God, this man came within three votes of losing his freedom.” He said to Bob, “Well, dismiss it! You know he’s innocent.” Bob said, “I know that—here.” Foley took the letter and he called his secretary who was with him all the time he was on the bench. “Sarah, come in here.” She walked in with her book. He said, “Can you get me a copy of the indictment.” Bob handed him a copy of the indictment and he dismissed it. That’s the way it was. Guess what happened. Bob moved to a town in eastern Washington where’s there nothing but an Indian reservation and a small town that’s got it an Indian name that I can’t remember. They [Justice Department] got so angry at him they moved him from Las Vegas to the boondocks.

I met him at a judicial conference when I was on the bench. I said, “You know it’s ironical. You were sentenced and he went free.” I think Bob would have rather gone to prison.

Anyway, that’s the way it turned out. That’s why I say I consider that my best job ever.

*Did they ever find the bank robber?*

Yes. Yes. Four years down the road. The guy was captured robbing a bank in St. Cloud, Minnesota. Yeah. Same guy! I saw pictures of him later, he looked just exactly like McGaughy.

*What happened to the state court cases?*

He didn’t retry it. No. But he took me to the courtroom door.

*[District attorney] George Franklin?*

Yeah.

*Tell us about Beverly Hooper.*

Beverly Hooper was a renegade rancher in Pleasant Valley, Eureka County. About twenty miles from Eureka, the county seat. A lady ran the only hotel in town and I forget her name. She had a young man who lived there and worked for her, about seventeen or eighteen years old. One morning about two o’clock in the morning, nobody in the hotel. Beverly Hooper was six foot ten. She supposedly or allegedly went into the hotel. A young man was working the desk, and went in and tied the young man up first. Then went upstairs, took the old lady out of the room, took her down and tied her up and gagged her. Robbed the safe and left them tied up. Had both of them gagged. The boy got loose and untied the old lady. He got loose and ran to the phone and called the sheriff. Some witness saw a truck leave, the same color truck as Beverly Hooper’s. The old lady was dead. She had suffocated. Of course, the state alleged that he would have suffocated too, if he hadn’t been

able to untie himself. He said it was Beverly Hooper. Beverly Hooper was in and out of there all the time. He gambled and he drank so the boy knew him well. They tried him for murder. We went to trial before Judge Sexton. He was the district judge of that district.

*Right there in Eureka?*

Yeah. Which included Eureka County, the towns of Battle Mountain and Austin. Those are county seats of three little old country counties. We started picking a jury. We ran through the venire of 130 people.

*I didn't know there were that many in Eureka County!*

Yeah. You missed it by seven. We had every qualified juror on the panel. Save except seven people. We only had two in a box. Everybody else disqualified themselves because they couldn't be fair. They knew Hooper. He was a renegade, man. I tell you, everybody hated him. Just to kid him one day I said to him, "OK, we're going to want character witnesses. I know you're a church man and I know you go to church regularly, what's your pastor's name?" He said, "I haven't been to church in a long time." Anyway, we had to move the case to Reno. So Sexton tried it in Reno and he was acquitted. I talked to the boy as a witness. I had a law clerk by the name of Ed Greeley. I came out to the car and I said, "Ed. There's the guy that killed the old lady."

*The witness?*

Um, hmmm. He says, "How do you know?" I had no evidence of it. I just knew from talking to him and looking at him. I said, "God's gift." That's about the only answer I could give him. But I knew it. I knew it just in my heart,

I knew that this kid did this. Well, I started investigating the kid and I found out that he'd been there working for the old lady for two years, practically for his keep. He was going to school. She was letting him stay there at the hotel and she was giving him room and board and a little money, spending money. He shows up with a brand new motorcycle. I go into Reno and into a motorcycle shop and I find out that he did buy it there. He paid cash. He could not have accumulated that much cash in a million years. I knew immediately I was right. My hunch was right. I felt that my hunch was right. In the trial, he couldn't explain how he got the money. He got it too fast. He also said that he heard him [Hooper] drive away. He got himself loose awful fast. I took a rope and tied him up in the courtroom. I said, "Now get loose. We're going to see how long it takes you to get loose." He couldn't get loose at all. First I had him tie Greeley up. I said, "Now, I want you to tie Mr. Greeley up here just exactly like you were tied up." He did. Now I said, "Now, I'm going to tie you up. Just like you tied Mr. Greeley up." I tied him up and I said to the jury, "Now you see, I've tied him up just exactly like he's [Hooper's] tied him up." I tied him up and I went over and untied Greeley and told him to go back and sit down. I stood there a minute or two and I said, "Now get up. I'm going to time you." He couldn't untie himself. I knew when I tied him that there was no way he could untie himself. That did it. That did him in.

*What year are we talking about?*

Oh yeah. Late sixties, early seventies.

*Who was the District Attorney? Was it someone from Reno or Eureka?*

The district attorney was probably hanged. Between the transfer period the county hired

the D.A. from Fallon, who I think was a district judge at one time. Jack somebody.

*On Beverly Hooper, was there also a story that he robbed something—a bar or something and came running out?*

He came down at one time and robbed a bar. I can see it. Running out he hit a post and knocked himself unconscious.

*He wasn't what you'd call a real good crook.*

Oh yeah. Then there was another one that he'd burglarized some place in Eureka. Burglarized the place one time. It was summer time and it was hot and he took off his hat and it had his name written inside "Beverly Hooper." It got hot and he took his hat off. When he got through burglarizing the place, he was in a hurry to leave and he left his hat laying on the table. He was a real renegade this guy.

*How did he get your name to represent him?*

I represented him in the murder case only and not on any of these cases. I knew about these cases from talking to Shorty, the sheriff.

*Judge John Sexton's name comes up quite a bit. Tell me a little bit about Judge Sexton.*

Here is a real character. He was a drunk. God, I don't know how to describe him. I know he tried a lot of cases drunk.

*As a Judge?*

Yeah. But he wasn't drinking during the case, except maybe at lunchtime. But he'd come to work still drunk. I tried a lot of cases before John. But I dearly loved him. He did some crazy things, but you had to love John

Sexton because John Sexton loved everybody else. He was the happiest drunk I ever saw, so you could tolerate him. If he ruled against you and he was wrong, you still admired him. But there weren't many times because he was a scholar. Seems to be something wrong with all of us geniuses. He was from Battle Mountain.

*He apparently traveled the state quite a bit and tried a lot of cases.*

Hell. He didn't have anything to try up in his district. What, three cases a year. They used him in other districts. He sat here every summer. He was the visiting judge every summer when the judges would go on vacation; he'd sit for one or the other of them all summer.

*He understood the law pretty well, I understand.*

I don't think there was a single, outside of Frank McNamee, there was no one more knowledgeable a Judge in the state of Nevada. I used to tell a story all the time, which was true. I'd go out to the Thunderbird. He always stayed at the Thunderbird. I'd go out to the Thunderbird. I'd meet him out there and I'd have dinner with him a lot. Met him at the bar, because he's always at the bar. I used to tell a story about John that he always stayed at the Thunderbird, always got drunk, and urinated in the potted palm in the lobby. Over and over he did that. But he was so likable they'd never throw him out! There's a million stories about him. He'd get drunk and the people would find him laying in their yard. They didn't know how in the hell he got there or—.

*I saw a story where you and Herb Jones were trying a divorce case and he walked out in the middle of your argument. Is that what Sexton did?*



Yeah. We had a contested divorce case. I bet if you went and checked the record in the fifty-six years that I have been a lawyer that I have not tried a dozen divorce cases. I hated them. But I was in this one, I presume, because my client must have had some money. It wasn't the average divorce case or I wouldn't have been in there. Herb was on the other side. Now, to set the atmosphere of this thing—Herb was one of, and still is to this day, one of my best friends. Herb came to work for me in the D.A.'s office when I was chief deputy. We tried a lot of cases together and we worked well together. Herb Jones and I enjoyed each other tremendously. Now, we're in this divorce case. I took after him. I thought, boy, I'm going to put one up on old Herb today. He got mad and we got to arguing in the courtroom and, maybe, we were arguing with each other toe-to-toe. Both of us got angry and it got personal. All of the sudden I looked over, the Judge was gone. The Judge wasn't on the bench. So I said, "Hold it Herb! The judge is gone!" We stopped arguing, we both stood there a while and he didn't come back. We walked into his chambers and his secretary said he wasn't in his chambers. I looked in the door and he wasn't in his chambers. I said, "Where's Judge Sexton?" She said, "He went to lunch." It was only about eleven o'clock in the day. Later he said, "Hell, I'm not going to sit in there and listen to that kind of stuff."

*Take us back when you were a detective here, tell me the story about when you were investigating the thief. Helldorado Village. Remember that?*

When I was a cop, the city converted the Helldorado Village into a place of lodging for veterans. They knew there was going to be a lot of soldiers right out of the army

going west to find work and relocate. So they put army cots—oh I guess about forty army cots in one of the buildings. They got army blankets and they furnished them with shaving paraphernalia and towels. You could go there and stay as long as you wanted. They encouraged you, of course, to get out as soon as you got a job, but they never threw anybody out. Well, one day, the chief of police called me in. He said, "They're having a lot of thefts down at the Village and I've assigned Pete [Reid] to this case and he hasn't come up with anything. I want you to take it over." I said, "OK." I went to Pete and I said, "Well, I don't want to make you mad, but the chief has assigned me to this case." He said, "Well, what the hell. Those guys come and go. You can't find any witnesses cause they're gone. Hell!"

I went down and I asked them, I said, "I want a roster of everybody that's been here since this place opened." I took the list—the day that they moved in there and the day that they moved out. I went home and I studied them. There had been only one guy still there that had been there all the time. I mean, of all three thefts. So I thought, what the hell, this is easy—it's him. I go to the chief and I say, "I found the guy." Told him my theory and he said, "Yeah, it sounds like it, but that ain't enough." I said, "I know it's not enough. I'm going over and talk to Gray." I went over and talked to Gray Gubler and I told him what I had. He said, "No, it's not enough. Get me something else."

I knew it was a no-win. There was no way I could get anything else. So I dragged down there one day. I was so incensed at having been all the way through WWII myself. Here's an ex-soldier that would steal from another ex-soldier. I drove up in a police car and I went in and I said, "Get your gear together." He said, "Why?" I said, "You and I are taking

a trip.” He said, “Where?” I said, “Well, I want to show you the city.” He said, “Why do I have to take my gear then?” I said, “Because you’re moving.” He said, “Oh. You’re taking me to jail?” I said, “Not exactly.” I put him in the car and I drive way the hell out on, what is it [Highway] 95? I guess it was then too. I stop the car and I said, “Get out.” He got out. He says, “What, are you leaving me here?” And I said, “Yes. Don’t you ever come back to Las Vegas, ever! If I find out you’re in Las Vegas, I’ll kill you.” Which I wouldn’t have done. but oh, he believed it. He leaves. He hitchhikes. He winds up in Reno.

He goes to the U. S. Attorney’s office. Oh my God! FBI agent walks into the Detective Bureau and he’s got this guy’s statement. I’m sitting there. Bill Hanlon’s sitting there, [Billy] Woofert’s there in the station, and we’re all listening to this. And he reads. Four detectives sitting in there! He hands us a statement this guy made reciting exactly what I had told him save my description. My mother couldn’t describe me as well. He said, “He has an accent like he comes from Texas, Arkansas, or Oklahoma.” You know, you can’t get it much closer than that. They all looked at each other. Anyhow they all said, “Nope, that don’t sound like any of us.” [Jack] Holliday or Hornaday I don’t know which. He turned around to me and he said, “How about you, Claiborne?” I says, “I don’t know him.” He said, “Well, I got to look at the police files and see what I can find out.” A guy named Eddie Davis was in traffic and he was standing in the hallway and he heard every bit of it, eavesdropping I guess. He just said he started in and backed out. Well, I never wrote anything about it. There was nothing in the file assigning me the case. But he ran in there to tell them, “Be sure there’s nothing in that file involving Claiborne!” Which was crazy. There was a 100 file cases with my name on it in there. I never heard another thing about it.

But you know who he actually thought it was? Jack Barlow. We had a detective named Jack Barlow. He did look a lot like me. He was built like me. He was a little different facially but we looked a lot alike. There were a lot of places I’d go in and some guy would say, “Good morning, Jack.”

*That’s who they thought it was?*

That’s who he thought it was. A lot of people have told the story, that I’ve heard, and they all said I told the FBI Agent, “That sounds like Jack Barlow.” But I didn’t do that.

*You wouldn’t do that to Jack huh? Here’s another one from your detective days. Ben Shaffer? There was a warrant for a guy by the name of Ben Shaffer and it involved the widows and orphans protective fund.*

I was a cop then and working with Joe Bremser. No, my God, I was a detective, yeah. But there used to be a restaurant where all the detectives went—free meals, plus coffee at mid-day. There was a guy named Shaffer. He was in the Wyoming State Penitentiary. He crawled in a car of some prison official, not the warden, some other official, two of them. When they got ready to leave, he had crawled in the back seat. They got in the car and they drove out of the prison. He put a homemade knife to the driver’s back and drove them out into a wooded area, a country road, trekked through some woods and tied them to a pine tree and took the car. It was an unmarked car. He took the car and escaped. They put an all-points bulletin out for him. We had a big picture of him on the detective wall. It got to be a joke. When we were going up to the State Café for coffee, we’d say to the captain, “We’re going up and pick up George Shaffer.” I think his name was George—I know his name was Shaffer.

It might have been Denny, I don't know. The captain would just smile and waive. Well, this day, Joe said, "Well, we're going out and see if we can locate Shaffer." Captain waived. We go up to the State Café, and we had coffee and we come walking out. All of us had a picture of him. We come out and Joe says, "Jesus Christ!" I said, "What?" He said, "Look, look, coming down the street. Do you recognize that guy?" I said, "Yeah. That's Shaffer, by God." He said, "Yeah! What are we going to do?" I said, "Well, the poster says he's armed, arrest with caution." He looked, thank God Joe's dead, he says, "I don't think I'm up to a gun battle in the street." I said, "I'm really not either." To be honest with you, the two of us nearly walked away, if the truth were known. He wouldn't admit it and I wouldn't either but then, you know. Finally, I said, "Well, we have to take him." He said, "How are we going to do it?" I said, "We'll take him from behind. He'll stop at the intersection there." There was a light. I said, "He'll stop there. We'll take him from behind. Now, I'll take the left arm, you take the right arm and we'll do it so fast he won't have a chance." He said, "OK."

Now, we're no longer cowards. We'll take the guy from behind. And that's exactly what we did. We grabbed him at the corner of the City Drug. I got the left arm and he got the right and we took them right back over his head and Joe handcuffed him. We spun him around and he was resisting us before we could get him handcuffed. We took him and rammed his head right into the wall and he went like this [makes gesture], and we handcuffed him right quick. Now, he was still groggy and we both have got an arm apiece, down the street and into the alley and into the police station. We walked up, led him right up to Captain Clark's desk. I said, "Captain, we'd like you to meet Shaffer." He looked at him, looks at us and he said, "How did you do this?"

I said, "Hell, we been working on this case for a week." Shaffer spoke up and said, "You Goddamned liar, I've been in town less than an hour!" He blew me. Well, it turned out that it had a \$500 reward. The cops could take the reward in those days. So we had \$250 a piece. I'm sleeping on a mattress about this big [about two inches thick]. Jesus, when I found that out that I got \$250 coming, I'm jubilant. Then I find out we got \$1000 coming instead of \$500. Now I'm really happy. So the check comes in to the police station along with a letter of praise to our great ability, the State of Wyoming Department of Corrections. Didn't go as far as they should have gone—they didn't cite our bravery. The check's in there. Now the inspector's got it and he's the one that called us in. He was an ex-movie star that played the bad man in western pictures, named Chet Morrison. Chet says, "I got your check. Now, it's customary, understand you're not forced to do it, but it's customary, that you share rewards 50/50 with the police and widow and orphans' fund." Well, I want to do what's right, you know. We both did. Said, "Sure." He said, "Inasmuch as that is so, I have to go over and cash the check." Said, "OK." So we endorse the check. He goes over and cashes it. He comes back and he counts out \$500 to the Police Widows and Orphans Fund. We felt good about that. We weren't married yet, but we would have appreciated it if we got killed and our widow got the money. So we split the \$500, got \$250 apiece, which I reasonably expected to get in the first place.

I'm in the D.A.'s office now. Billy Woofter, Detective, died and had several kids. He died of cancer—Roy Woofter's uncle. Of course, we all go to his funeral and pay our respects to his wife. I don't know what the hell they were going to do. I went to her and I told her, "I don't know whether you knew it or not, but there's a widows and orphans fund. I don't

know how much is in it. I will go over first thing in the morning and see how much is there. How the system is set up, I don't know, but I do know that I contributed to it one time." And I did, the next day I go over. She thanked me and she said, "Well, I don't know what we're going to do." They were really just left destitute. Cops didn't make anything and no insurance. I went over. Thompson's no longer there, Morrison's no longer there, new chief of police. I was inquiring about the widow and orphans fund. As I should have suspected, it didn't exist. Oh, the bastards.

*Pocketed the money, eh?*

Yeah. Yeah. Our inspector cheated us out of \$250 a piece.

*We talked about the Horace Tucker case. I also saw someplace where you met with Dr. Bryan?*

About Bryan? I felt that this guy [Tucker] really could have done these things since they were similar. He killed two people the night before election, all of them a part of his political group with his own pistol. Shot three times right over the heart, could have put a silver dollar in it. They were sitting in the same chair at his house the night before an election. Approximately he did it at the same time of the night. He had gotten drunk and gone to bed. He got drunk on Coors beer, same time, same place. Went to bed both times about the same time of the night. Gets up the next morning, the same way, about the same time both times, goes in and finds the body laying in his chair shot, three times. You can't believe it, I tell you. I was convinced that this guy was telling the truth—that he didn't do it. I thought that maybe there was some mental condition where he just blacked out and truthfully didn't remember it.

There was a Dr. Bryan doing a lot of cases, criminal cases all across the country, by hypnosis. He was bringing witnesses back that had freaked out at seeing a murder. I had read about him. I didn't know him, but I had read about him. I contacted him. On the phone, I told him I wanted him to come up and put old Tucker under and I wanted to find out the real truth. So the doctor came in and, as always, as experts are prone to do, asked for his money within three feet after he got off the train. I paid him his fee and we go to the Dunes Hotel.

As the attorney for the Dunes, I got a down floor suite for him to work. I wanted him to have the best accommodations possible. My secretary brought old Tucker out and the doctor set a chair down and set another chair down like you and I are sitting. Asked me to wait outside, so I took a chair and sat out in the hallway. About twenty minutes later, the door flies open and here come Tucker running at full speed down the hall, out into the cabana area. I run in and I said, "What happened?" Bryan says, "I don't know!" Well, it so happened that Bryan was sitting closest to the door and Tucker ran over him, and he had just gotten up when I ran in there. He said, "I don't know. I don't know. He just ran over me and ran out!" So, I run out in the direction that I saw him and he's running around and around the swimming pool. Round and around! Well, I don't know how many laps he'd made before I got there. But he made four when I got there and I'm chasing him four laps. I'm not making this up. Nobody will believe this. A room waitress come out of one of the rooms with a whole tray of plates, come out right in front of him. [slaps his hands together] He knocked the room waiter completely down and the tray and all of the dishes went every which way. But, it knocked him down and I caught him. He just stood there. Bryan was a great big fat man, *great*

big fat man. He come slopping down, way fat, and he walked up and he snapped his finger, and the guy was out.

*He was hypnotized?*

Yeah. Yeah. He says, "Well Mr. Tucker, let's go back and pick up where we left off." There was a very vulgar statement people make, and he made it to the doctor, and he said, "Come on Harry, I'm going home." He wouldn't go back to him. Horace Tucker.

*What do you think happened with him? Did he just black out?*

I don't know. I thought that. I talked to Bryan later on and he said that he certainly was under. He got him down to the area where the guy showed up at the house.

*How old of a guy was Tucker?*

I would say Tucker was about sixty-five at that time. He was a political power down in North Las Vegas. That's not a big deal.

*I know that you and Bill Raggio are good friends, and had a lot of cases together, and you've talked about a couple of them—Sandman Williams and I think Tea Bags Thompson. Were there other cases that you tried with Bill Raggio that you can think of?*

There was a Lieutenant Colonel and he murdered his wife. I can't think of his name at all. I guess I tried five murder cases against him.

*Do you keep in touch with Bill?*

No. Not as much as I should. I make a point when he's down here, and I know about

it, to see him. But I should keep in touch more often. I have tremendous respect for him and he's a tremendous friend. There never was a time when we let it get personal. We enjoyed each other. Outside the courtroom, we enjoyed each other. I can't say we enjoyed each other in the courtroom. We didn't. He's probably the best prosecutor I was ever against. He has a lot of jury appeal. Particularly with female jurors, he's a very handsome man, and I couldn't match him in that area, so I had to use other tactics with the jury. He was great, and a handsome guy. He don't look so good anymore. He's not like I am. Through the years I've got handsome. The older I got the better looking I got. Bill don't look so good.

*I've seen some of the older pictures and yes that is right, you look much better now. Did you have any cases with Judge [William E.] Orr?*

I knew him.

*Did you know him only when he was a judge or when he was a practicing attorney?*

Only when he was a judge.

*He was from Pioche?*

Pioche, Nevada. Yeah.

*Would he come down here from time to time?*

Oh yeah he came down here all the time. Oh yeah.

*Did he later go on the Ninth Circuit?*

Oh yeah.

*Tell me about Judge Orr.*



We were in the judicial district with that county [Lincoln] and he was the only judge, for years, of that judicial district. Believe it or not, Pioche in those days were bigger than Las Vegas. People here for a long time had to go to Pioche for court. Then, they began sitting here and then they built the courthouse and began to sit here. He was one of those typical old western lawyers and judges that sometimes were much more knowledgeable than modern day lawyers for the simple reason that the law wasn't in the fast lane in those days, like it is now. Lawyers didn't lead a helter-skelter life. They had more time, there was far less litigation than you can imagine in Pioche in those days, or Las Vegas in those days. Maybe you'd have a case a year, a trial a year, or maybe not at all. Your principal service was wills and mortgages and contracts and those things.

These old lawyers, who then became old judges, had so much time to read. I know from my association, even when I got here, with old John Cope, who was in his late sixties. When I got here, he had that habit. Anytime you walked into his office and he didn't have a client in his office, he was reading some textbook. They were, maybe, better lawyers and did their clients a better job than we do for our clients. You will read, pick up old manuscripts, the old time lawyers' books, and many of them in long hand and script—they never end. We will write a mortgage in two pages, they take six. In the most scholarly language you ever saw, with a lot of Latin phrases thrown in. Really and truly they were better lawyers than we are. Better lawyers, I guess you would say, in viewing the whole picture. They wouldn't be better lawyers now, we'd be better lawyers now. But they were better lawyers in their period of time than we are in our period. That's what I'm trying to say.

*I guess Judge Orr probably grew up in the mining litigation, the mining claims.*

Oh yeah. He was a helluva trial lawyer in his litigious days. Yeah, right in Pioche.

*Was he on the federal district court bench, or did he go straight to the Ninth Circuit?*

He was a [state] district judge, right here in this town. He went from the state bench to the Ninth Circuit. That's truly a historic courthouse. The one in Eureka, I think, is one of the first courthouses in Nevada. Pioche may be first or second, I don't know. Go to Reno sometime. Stop and go into the Esmeralda County courthouse, in Goldfield. I've tried some cases there—some murder cases, believe it or not.

*Did you ever try a case in Lovelock in that round courtroom?*

I've tried a couple of cases in Lovelock before Judge Llewellyn Young. That's kind of a historic courthouse, but the one in Eureka, you will adore. Every time I'm in Eureka, I go over to the courthouse and I cannot pull myself away from that courthouse. God, it is magnificent, it really is. It's pure cherry wood, God it's gorgeous.

*I think they restored that not ten years ago or so.*

Well, it wasn't restored when I tried some cases there. I only tried two there.

*What cases did you try up there? Do you remember?*

I started out with the Hooper case, Beverly Hooper, and it was transferred into Reno because we couldn't get a jury. That happened to me once before. I had a guy in a manslaughter case that they had to dismiss

because they didn't have enough money to pay the jury.

*Where was that?*

In Esmeralda County. There wasn't enough money in the treasury to pay the jury. That's the truth. The D.A. was Peter Breen and tried every way in the world to get me to cop out, he offered me every deal known. But when he got down to aggravated assault, I knew something was terribly wrong with his case. I said, "Pete, I just can't do it. The guy just says he's guilty and I can't force a guilty man to plead to something he's not guilty of."

*Did you ever know George Wingfield?*

No. I didn't know him. I've seen him, but I didn't know him. In fact, I saw him several times in the old Palace Hotel in Reno.

*Where was the old Palace Hotel? That's not in existence anymore is it?*

No it isn't. It was right behind that street where, and I guess right behind where Smith's Hotel.

*Tell me about the water fountain that was in the courtroom.*

[laughter] I have a trick that I like to use. When the prosecutor in closing argument was really hurting me, I'd go over to the water fountain in the old courtroom. They only had two courtrooms and in this courtroom was this water fountain. I'd go over to spray water all over me. Take out my handkerchief and wipe my face and I'd soothe. The jury would be so concerned with what I was doing. I figured they weren't hearing what the prosecutor

said. I think it was right. Finally Judge Frank McNamee picked up on what I was doing. I had this case, I think it was a murder case but I don't remember which one, and I was really getting hurt. I went over to the water fountain to do my thing and I looked down . . . the water fountain was gone! There's just a little stub of a pipe sticking out of the floor about that high. I guess I must've looked dumbfounded and I started walking back to the counsel table and I looked up and McNamee had his head down and he was going like this [laughing] and the court clerk was laughing. And the court reporter, they were all in on it, and they were laughing. I looked up at McNamee and I wanted to laugh. I knew he had it done. They all wouldn't have been enjoying it so much. I guess they never expected me to not see that it was gone before I ever got over there. I got away with it, I guess two, three years.

*[laughter] How would you get the water to spurt on you?*

It had a lot of pressure, and that's when I first discovered it had a lot of pressure, it gave me the idea. You can lean over, and even if the water's no higher than that, and you can get it done. I've always said that was Frank McNamee's finest hour. [laughter] He then superseded it in being elected to the [Nevada] Supreme Court.

*You represented Charles Arthur Boyce and James Lavern Powers in a grand jury challenge. It looks like it went up the [Nevada] Supreme Court on challenging the indictment. Does that sound familiar at all [80 Nev. 461 (1964)]?*

Vaguely.

*One was the guy by the name of Joseph A. Wagstaff, that you were appointed to represent.*

*He didn't want you to represent him. You remember that case?*

[He filed a motion] to kick me off of the case.

*I didn't realize that Lloyd George was a Justice of the Peace.*

Yeah.

*He's [Wagstaff] quoted in the paper, dated July 8, 1964, as saying that he was getting "the runaround because Claiborne had personal animosity against me."*

That's true. He was going to put a knife to my throat and walk me out of the courtroom in the preliminary hearing. I went in the building [courthouse] and my secretary, I saw her just as I got to the door, running up the street. I just stepped inside and waited for her. She said that Judge [Henderson] wanted to see me immediately, so I went into his chambers. He was on the bench and I went out into the courtroom. Somehow, I got delayed in that courtroom. I went over to the phone to call the judge's secretary, I know it was Judge Henderson, I went to call Judge Henderson and he was already on the bench. I told him I would be delayed a few minutes. The secretary went in and told the judge, and the judge had already called the case. The judge said, "I just got a call from Mr. Claiborne and he won't be here for awhile." And, at that point, Wagstaff misunderstood him. He thought I wouldn't be there at all, so he attacked the bailiff, the deputy sheriff that had him, with a knife; they wrestled to the floor and it gave the deputy sheriff time enough to take out his gun and shoot him. He shot him in the abdomen and they took him immediately to the hospital. Then we discovered that, actually, he was going to take

me out of the courtroom. He figured nobody would attack him if he held me hostage and he'd get away. Didn't work out that way for him. I went out to the hospital to see him, naturally. That's when he told me what he was going to do. He thought it was funny.

I continued to represent him, but he was bound over in district court. I don't know why Judge Henderson was holding him, maybe it was just arraignment. I'm sure it was. We definitely didn't get along. But the funniest thing happened. He finally got convicted. I didn't represent him. Somebody else did. This guy had spent, I believe, seventeen years in Alcatraz. He was a mean bastard. He was really, really a plain criminal. He was paroled. How he ever got paroled, I don't know, but he got paroled. I went to the penitentiary to see another client. And they brought him in, [laughter] into the waiting room where I was waiting for them to bring down my client. He came in and he saw me. He ran and he hugged me and he said, "God, I never expected you to come to see me out." The guard whoever was there, the sergeant, the guards just broke up. They already knew I had come to see somebody else.

*Did you break the news to him?*

No, I didn't. No, I just said, "What else could I do, Joe? I wish you well." And they were needing him somewhere else, to get his gear and get out of there.

*Was the justice of the peace a full-time job in '64? I'm referring now to Lloyd George when he was the justice of the peace. Has it always been a full-time job?*

I'm not sure. It seems like it was a part-time job.

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## U. S. SENATOR HOWARD CANNON AND EXPERIENCES IN WASHINGTON D.C.

*Here's a newspaper article, July 11, 1964, the headline: "Claiborne Eyeing U.S. Senate." You ran against Howard Cannon and it quotes you as saying, you're claiming to have found a 'groundswell' of opposition to Cannon. Apparently some of it had to do with the Bobby Baker matter. Tell me about that if you would.*

Well, Bobby Baker was the right-hand man of President [Lyndon] Johnson. He was involved in a scandal. I don't recall that he was indicted. I think he was, pretty sure he was. Cannon had a very close relationship with Bobby Baker and was somewhat involved in whatever that scandal was. Not criminally, but as part of that Bobby Baker group. Of course, it got tremendous coverage here. I had eight guys. I was counting heads who came to my office and urged me to run for the Senate. Eventually, most of them turned out to be Laxalt people.

*Who were they?*

I'm not going to name them, [laughter] but they supported me. They got me quite a bit

of money. Not near enough to run a campaign but they lived up to their word and they did support me. But they supported me to knock off Cannon because they thought I'd be easy for Laxalt to beat. You learn a lot of things before you get eighty-five years old, I'll tell you that. [laughter]

*Apparently there was another man that was running by the name of William A. Galt.*

From Sparks, Nevada.

*He was a councilman. Was he a serious candidate?*

No, he wasn't. But, he picked up more steam in the latter part of that campaign than you can believe. I know that if Galt had three more weeks to run, and I was not in the race . . . see both of us being in the race. He starts picking up so much steam that he was taking votes that I would've ordinarily got. If he'd been in the race himself, he'd have won. If I'd been in the race by myself, I would've

won. It really turned out to be a campaign between me and Galt. Should've been me and Cannon.

*Galt is quoted in the newspaper as accusing Cannon of having Cannon forces scour the state for another opponent to divide votes against him. He was accusing Cannon of putting you in the race.*

But for a long time there were a lot of people who were active in politics who believed it. I'm sure that most of them went to their grave believing it because of what happened in the future. Which really, really is not true.

*Now during the primary, did you travel the state and campaign?*

Uh, no, I went to a rally. I spoke for him at a rally in Tonopah and one over in Ely. That was the only two places I went out of Las Vegas.

*During the primary election, when you yourself were running, did you travel the state?*

Oh, yeah. Oh, yeah.

*Did you pretty much give up your law practice for a period of time?*

Oh yeah. Completely. You know, I enjoyed it tremendously. I enjoyed the campaign tremendously. Howard [Cannon] dodged me. I couldn't get him on the platform with me to save my soul. No way. God, I challenged him three or four times to debate me. He wouldn't do it.

*That was before there were a lot of debates, wasn't it?*

Yeah. Well the debates now are mostly on TV. But surprisingly, when you look back on it, it was a better system than TV. Generally, a city would announce all candidates, all state candidates, all federal candidates, at a rally. You got to see on the platform the candidates in a different perspective. It was more humanized. It was not only candidates debating, but it was also a fiesta. People for all candidates would stop there. It was a big affair. Everybody went. Of course, they'd hog for their candidates and they'd yell at each other. It was good. It was really democracy at work. Really.

*I assume you hit the small towns.*

Yeah. That'd be the only time the candidates probably would show up. I don't know, but Howard may have induced a change in the thing because he started holding his own rallies. They'd send out these circulars: Howard Cannon will speak at such and such a ballpark at such and such a time.

*Back in those days, 1964, would you have campaign workers working on your behalf like in Elko County?*

Yeah, working the crowd, yeah. By the time you announced, you had your staff in the county already selected. There would be somebody in the county. It was easy for me because I had tried cases all over this state. I was always, I guess, a free spirit. I never had politics in mind. I liked people, liked to meet people. If I went into Elko to try a case, I'd know a lot of people in Elko when I left. It always worked well for me. Ed Greely used to say, it's a good thing you do it because those people may be in the jury. [laughter] Some times. But boy, you'd hit a town. I mean, you were going to speak and you would have your



crew. Some I'd bring with me, some would be from there, working the crowd.

*I read that years ago there would be a political caravan. The Democrats would have a caravan that would go from city to city throughout the state. Did you participate in those?*

Uh, no.

*That would be for the general election rather than the primary?*

It would be the general election. Democratic candidates who were elected in the primary would travel all together by bus from town to town to town.

*I'll bet that was an event.*

As Ed Greely used to call it, "the alcoholic express!" [laughter] He was my law clerk for many, many years. He was a disbarred lawyer from Ohio.

*He knew a little something about alcohol.*

Of course, he lost his license because he became an alcoholic. A complete drunk. And he began to neglect his business. I found out when I was the federal judge more about him than I ever knew before. I knew that he had to be a damn good lawyer because he was a producer and I admired him tremendously.

*He was a producer of business?*

Yeah, and he was knowledgeable. I ran into a federal judge named Underhill at a judicial conference. Of course, Ed had been dead for several years. Asked him if he knew Ed. He was from Columbus and Ed was from Columbus, Ohio. He said, "One of the best

trial lawyers here in town." He kept repeating, "What a tragedy, what a tragedy." Then I told him that he had straightened out. He headed AA [Alcoholics Anonymous] here. He started it. He walked in my office and he said, "I need a job." He said, "A lot of people suggested I see you." He said, "People that I didn't even know. I'd just ask them." He told me about himself—he was disbarred, he lost all of the money he ever had, wife divorced him, lost his family. He said, "I came out west to start over. I quit drinking. I want a job. I'll do a good job for you." He said, "I work well with people, too. I won't get in your way. I'll do you a good job. I won't promise you that I won't get drunk tomorrow. But I will promise you that I won't get drunk today."

*That's the one-day at a time approach of AA.*

That's actually what he meant. One day at a time. I understood that immediately. I said, "You're hired."

*How old a guy was he at that time?*

I'd say, 55, 56 in there. He was with me until he died.

*How long was he with you, do you think?*

Twelve years.

*So you lost the primary to Cannon.*

Yeah, he trounced me pretty good. The very night that he won, I went to his headquarters. I walked up to him at his headquarters and the place got as quiet as a mouse when I walked in. I walked up to him, shook hands with him, and congratulated him. I said, "Anything that I can help during your campaign, just pick up the phone. I'll

do anything to help.” He accepted it. He said, “You don’t know how glad I am to hear that.” He said, “I wanna sit down with you before the week is gone.” And we did.

I worked hard for him during the campaign. Made a lot of speeches for him. Appeared at a lot of places for Cannon when he’d be up north and there was some kind of gathering here. I’d represent him and make speeches for him.

The race was so close. I remember it was less than a hundred votes. Cannon calls me the night of the election and he said, “I’m sure there will be a recount. If there is, will you head my recount?” I said, “Sure.” When the election was over, Laxalt filed for a recount.

We didn’t have voting machines then. It was all paper ballots. I sat down with Cannon and I said, “Here’s what I have in mind.” I said, “We’ll get lawyers.” I said, “When they have the recount in the county, we’ll have two lawyers representing you in each of the counties. They will be trained before.” I said, “I’m working on a brief now.” I started to work on it that very morning that I met with him.

*What was the brief for?*

We had a lot of Nevada opinions on election contests and what was an illegal ballot. I wrote the brief and attached a lot of exhibits of an illegal ballot; anything on the ballot that made it identifiable as a void ballot. I went through the statutes and got every recount election in the bag. Went through the [U. S.] Supreme Court cases. In all of these cases, it was determined what was an illegal ballot. An illegal ballot is any mark on it that would distinguish it.

Then we started meeting at the Sands conference room every night and pounding and pounding away on what was an illegal

ballot. We had sessions with all these lawyers, where we went through, I had tons of marked ballots of different ways that showed that it was capable of being recognized. So they would know what to object to. I gave them copies of the Supreme Court opinions. If they saw one [a ballot] that matched this opinion, that it was marked, and there was an argument about it, show the case to the counters. Oh, you’d be surprised at the number of the different kinds of void ballots. You can’t believe the marks we found. One woman even wrote, man or woman, even wrote on the ballot a grocery list. Can you believe that? Different marks and everything.

We set up a system where if a precinct was heavy for Cannon, not to make any objections to the ballots; if it was a heavy precinct for Laxalt, then to go gung ho. Theory being, that if you get more votes in this precinct than the other guy there’s going to be more people marking void ballots. And it was a theory that worked. We were successful in the recount. And anyway, he won [*See Laxalt v. Cannon*, 80 Nev. 588 (1964)]. Sadly, he punished me for all the good deeds I did him. He nominated me for federal judgeship. He thought he was rewarding me.

*Where did you get the lawyers? For instance, on the recount in Eureka County, would you get Eureka County lawyers or were you working from Reno or Las Vegas lawyers?*

No, we didn’t. Except in Reno, they were all Reno lawyers. I worked Carson City because Laxalt got nearly all the votes. In Carson City there was a young lawyer out of Woodburn’s firm, K. C. Kwodnome [phonetic], or something like that—a real prominent lawyer for years up there. But he was just out of law school and just passed the

bar when he worked the Laxalt case with me. Enjoyable kid.

*Then most of the other lawyers were from Las Vegas that would go into Lincoln County and White Pine?*

Oh, yeah. I think we used one White Pine County [lawyer] and one Las Vegas lawyer in White Pine County. I would say around two-thirds of the counters were Las Vegas lawyers. The process was exactly this, as I recall, it was the county commissioner who counted. You were allowed two representatives if you were the candidate. They'd take all of the ballots to the county commission chambers and they were counted in private. It wasn't a public count. They'd take precinct-by-precinct, break the box open, and the county clerk would break them open and inspect them in front of her—take them one-by-one and hand them to each commissioner. Then after they did that, the representatives would take the ballots, and we'd look at it, and either object to it or not. They [Laxalt] didn't have a system. I saw that right away. They didn't have a system. I understand they didn't develop a system until the afternoon session. They saw what was happening.

*Who was heading up Laxalt's recount committee? Who was your counterpart?*

Cameron Batjer [later to be Nevada Supreme Court Justice].

*How long did this whole process take?*

I recall it took two days. They were all recounted at the same time.

*Did the Laxalt crew involve a lot of lawyers too?*

I don't know. I don't think so. As I recall, I don't think so.

*Did William Galt help Cannon in Cannon's race against Laxalt?*

No, no.

*What was your relationship with Cannon before the election?*

Friendly, but casual. We were not friends. We were not enemies either. He was just an acquaintance.

*Did you practice law with him?*

With him? Yes. He was a good lawyer and he was a good man, no question about it.

*Did he enlist your help to go to Washington and assist on some matters?*

Yes, he was the chairman of the rules committee. He estimated it wouldn't take over two weeks; I was there two months.

*It was an honor, though.*

Oh, yeah, and I enjoyed it. I got to know a lot of the senators while I was there. I enjoyed it very much.

*I'm jumping ahead just a little bit, but you were involved in the [Nelson] Rockefeller hearing back in Washington in 1974.*

Yeah, confirmation hearing.

*Tell me about that. First of all, I think that was within the rules committee and he [Cannon] was chairman and he asked you to come*

*back and oversee, or at least run part, of the investigation.*

Yeah, I got a call from him one day. He didn't know at that time who was going to be confirmed or who the president was going to nominate. I have to go back. That started when it looked like [President Richard] Nixon was going to be impeached. I got a call from him and he said, "How's your calendar?" Well, I was in court every day—nearly every day except when just I arranged to get out. I said, "What do you mean?" He said, "Are you bogged down in trials?" I said, "Well, I've got a lot of trials on calendar," but I said, "Howard, what the hell do you want? Just tell me." He went to laughing and he said, "I want you to come back here and confer with me a few days." He said, "I'm not going to tell you what it's about over the phone. It's a sensitive matter. I'd rather talk to you in person." I said, "All right. How many days until I'd be back?" He said, "One. We can do it in one." I said, "All right." So I went back.

Chet Sobsey [Cannon's administrative assistant] had gone over to the library and he had gotten every volume that he could find on impeachment. When I walked in, I sat down and I saw all these books stacked. The first thought I had: I should've stayed home. I saw that some of them were on impeachment and some of were Supreme Court cases. I knew right then, he didn't have to tell me, it looked like Nixon was going to be impeached. A guy that's doing the shrubbery around here would've known that, too many people were saying so. Anyhow, he said, "Nixon is going to be impeached." He said, "I'd like to ship these books to you and you get on the ground." He said, "Historically, rules committee has conducted impeachments." He said, "I'd like you to serve as general counsel if you would." Well that's not the way that it turned

out. That's the way it was up until then. The house voted impeachment in the old days. The proper body, the [Senate] Rules Committee, held the impeachment trial in the Senate, but they changed that. The speaker of the Senate picked an impeachment committee. And that's the way it's been ever since. I went back for ten days and worked on the impeachment rules, which was never needed because Nixon resigned shortly after I got home. I shipped his books back.

*Did you spend any time working on it? Organizing anything? Getting ready for it?*

Not really. I think I had only read one of the volumes, started on the second one. Because when I got home, I had a trial. I was in the trial in Reno. He resigned while I was in Reno.

*Well that's a nice vote of confidence that he gave you.*

Yeah. Well, I appreciated it. Then he called me on Rockefeller's thing. First he called me and told me that he would nominate somebody. He wanted me: "I'd like for you to come back to be general counsel for the confirmation hearing." Of course, he called me when it happened. I had to go back immediately because you couldn't show up the day of the hearing.

*Did you actually go back then on the confirmation for Rockefeller?*

Oh yeah. I was there too much.

*OK, so tell me about that. The first time you went back was for the impeachment of Nixon, and then when he resigned, that ended that. As I recall, [Gerald] Ford then became the*

*president and then Rockefeller was confirmed for vice president under Ford. Was that the way it went?*

Yeah.

*So, for the confirmation hearing or process for Rockefeller, that's when you went back. This has only been a few months after you went back on the impeachment.*

I'd hardly been home. I don't know how long I'd been home but I would say within a three-week period. I went back early to get my feet on the ground with it. because I knew nothing of what happened at the confirmation hearings. I'd never been present during one or read the records of any one. I went back to get my feet on the ground and I found out that I was going to be in charge of investigators. He had already selected the investigating team—a senator from Washington [“Scoop” Jackson]—his office took charge of the investigation. Boy, he was good at it too.

*What did you do then? Was that the job that you thought you were going back to take?*

No. That was part of my job as counsel for the committee.

*Oh. You were counsel for the committee? And part of it was overseeing the investigation?*

That's right.

*And this was the head investigator?*

Yeah. We worked beautifully together. Boy, he was confident. You see, we had to submit all the information we got. It was enormous. I marveled at the abilities of

these investigators. The job they did. They investigated every facet of his life.

*How many investigators do you think there were?*

Six. He [Rockefeller] was not well received within his own party. He was viewed as extremely liberal, which he was. He had enormous, you might say, downright hatred among so many senators. It was unbelievable, we were constantly lobbied by them. Sending material to us.

*Derogatory things?*

Yeah, yeah. Of which we had to investigate. Chief of those guys, delightful little North Carolina senator—he's still living, I guess—Jesse Helms! Most delightful old gentlemen you ever saw in your life! I enjoyed him tremendously. In fact, I said to Cannon, I don't understand that people saying he's hard to deal with, I find him just absolutely enjoyable. Cannon looked at me like this and he said, “I think I'll send you home.” I must've been the only guy in . . . you know. He insisted that he come over and talk to me. I told him I'd send an investigator over to talk to him. “I don't wanna talk to no goddamn investigator, I wanna talk to you. I want to eyeball you.” He started calling me Brother Claiborne. [laughter] He would say, “How are you today Brother Claiborne?” Just a wonderful person.

*What kinds of issues would you be dealing with back then? Certainly the investigation, but what were some of the other issues?*

Well, one of the big issues was the Attica Prison thing and the Attica Prison riot, because Rockefeller was the governor of New York at that time. And, oh hell, hundreds of



administrative acts to which a lot of people objected to. Hell, the bottom line was, in my opinion, he was a damn good man. A man overly compassionate to the point where his compassion came close to activism, which I never considered a bad thing, because my heart was always with the underdog. I think his sole objective in office was to help the little guy. Even though he was fantastically rich, his objective seemed to always do something to help the common man. And to me, that was his best selling point. He was friendly, bordering on being an extrovert. You could just see from his very presence that he was a kind and caring man. I'm sure that he would have had to be to ever be elected governor and to serve out one or two terms. I think it was one, but he had to have some steel in him. His friendly nature may have been somewhat of a shield. I don't know. But that's the way he came off to me and I think that's the way he came off to all the other senators.

*Did you personally interview him?*

No. I personally met him. I was present when Cannon interviewed him, and never participated.

*I think that he had been divorced at that time, hadn't he? Was that an issue?*

Oh, yeah. Oh, yeah. Everything that could give anybody a hook to expand criticism was brought out.

*What did your committee ultimately do? Make a recommendation of some kind?*

Yeah. Yeah. We approved him.

*Was there a written report that was prepared?*

No. The only report that was prepared was a record of confirmation signed by all of the members of the committee, certified by the clerk. That was it.

*Who did you report to—Senator Cannon?*

Only Cannon. But I mean, I *reported* only to him. All of the members of the committee had talked to me many times from time to time.

*Would they have formal committee hearings where you would go in and make presentations?*

Oh, no. No. Every report that I made, I made it to Cannon.

*In addition to representing him and his interests on the various committees, did you also have a personal relationship with him—dinners and that type of thing?*

Yes and no. I went to lunch with him nearly every day. I met with him every afternoon at 4:00 p.m. He was a workhorse. While I was back there, every day at four o'clock I was to report to him on what was going on with our staff. We had investigators in the field. We had people working on the hearing. You got to have people out gathering information—scores of people out gathering information about Rockefeller. Interviewing a lot of senators who opposed him and asked to be interviewed and wanted an input.

Rockefeller was not popular with a majority of the senators. He was considered a very liberal Republican. There was a heavy contingent of Senators—like the old senator from North Carolina—Jesse Helms—led by Jessie Helms that hated him and they were always sending us information. Of course, that we had to check out. It was quite a job. I

met with him every day at four o'clock to go over the happenings of the day. We were there generally until seven-thirty or eight o'clock at night. I don't remember ever leaving before eight. I understand that that was his habit. I used to think, my God, what a way to live! In his office early. He obviously had very little time with his family.

I had a very good relationship with him. I was always impressed with his ability. He had the personality of a cold mashed potato sandwich, but he was good to Nevada. One thing, he never politically voted in a way that might damage the state of Nevada. I liked Howard Cannon.

*He was a pretty powerful senator when he left Washington, wasn't he?*

You're damn right, he was. Oh, yeah. He was chairman of the rules committee. He was also chairman of the commerce committee. Armed services, yeah. Able man. He was not a politician. He never was. Chic Hecht beat him. And Chic served very well. And may have if he had won reelection, eventually been as powerful as Cannon. Who knows? Because Chic Hecht was a good man, but nobody would have ever expected him to beat Howard Cannon.

I think it was so sad that he got defeated. I left there with the feeling that he was the best United States senator that this state ever had. He worked so hard. He wasn't spending eighty percent of his time creating building blocks for his future. He was taking care of business every day, into the night. A lot of nights, I had been with him in there. It'd be the three of us, Chet Sobsey, and me and the senator. We'd leave his office and go have dinner at 9:00 at night. Marvelous man. I didn't think too much of him when I ran against him. My respect for him grew,

the longer I was around him. One thing he said to me in the very beginning of the Rockefeller thing, he said, "This is not a partisan objective." He said, "I want you to know that." He said, "We don't, and will not, color anything." He said, "You're going to get some pressure, and you're going to get a lot of it," and he said, "your investigators are going to get a lot of it." He said, "You make damn certain to them that we'll call it like we see it." He said, "He may be a good man and qualified to be vice president, or he may not be, but whatever it is, that's the way I want it presented."

*What kind of a relationship did you have with Paul Laxalt?*

I had a good relationship with Paul Laxalt. I was a close friend of his father-in-law—Jack [Ross]—a federal judge, his wife's father. I was a friend of his before I even knew Laxalt. Laxalt graduated from law school and got his license and went into Jack's office and that's where I met him. Every time I went to Carson City, I always went to see Jack. We had lunch and a lot of times we had dinner together, and most of those times Paul went with us to lunch. He liked to hear war stories and both Jack and myself were full of them. I had a very good relationship with him.

*Was there anything about the recount litigation that affected that?*

No.

*He understood that was politics and not personal.*

He understood that. He knew I was a Democrat and I wasn't about to support a Republican. He knew it was all politics and

our personal relationship had nothing to do with it.

*Do you have any present dealings or contacts with Laxalt?*

With Paul, never. The last time I saw him was at my impeachment.

*Did you have any dealings with [Nevada Congressman] Walter S. Baring?*

A little. Not much.

*He was from the Reno area.*

I know he was. I visited with him in Ely when I was running for the Senate. For a long time one night, had dinner with him. He was there at the same time. I would've thought at that time he would've been out campaigning, but I walked into the Bank Club, restaurant, and he was having dinner with Charlie Bell, a local guy. Charlie waved me over, and said, "Have dinner with us." I sat down and had dinner with him and wound up talking to them for two and a half hours. I went to visit him when I was in Washington. I talked to him a good long while. He invited me to dinner that night but I had other engagements and I didn't go. But just a courtesy.

*I've been told by several people that he was one of the best in terms of remembering names of people in even the smallest town in Nevada.*

That's what I heard. I heard the same story. I never witnessed this first hand but I did witness it first hand with Alan Bible [Nevada United States Senator]. He never forgot a name in his life. And I mean, his first name. I tell a story about the memory of

names. [laughter] My brother and my cousin belonged to the 4-H club, as I did. They were regional winners in the 4-H club in some manner. They were taken to Little Rock to be honored and wine and dine with a lot of other regional winners. They were all housed in the Marion Hotel. The governor was a guy by the name of Tom J. Terrell. Tom would go down every day at lunchtime and he'd visit the two main hotels in Little Rock at that time—the McGee Hotel and the Marion Hotel. He'd go to the two hotels, one of the two, and have lunch. Shake hands with everybody in the lobby and everybody around in the McGee and then he'd go across to the Marion and shake hands with everybody around. Every day.

Well, all these 4-H club boys were in the lobby of the hotel and they'd just had their lunch. The governor walks in and he starts going to every boy and shaking their hands. He finally came up to my brother and my cousin. He said to my cousin, "What's your name?" And he said, "Virtis Gammill." He said, "How's your daddy?" Like he knew him. And Virtis said, "He's dead, governor." He said, "Oh, yeah, that's too bad. I regret not seeing him." Then he said to my brother, he said, "And your name?" My brother said, "Buster Claiborne." He said, "How's your daddy?" Buster said, "He's fine." "Tell him I said hello." Buster said, "I will" and he did. Now he makes the rounds and, by this time, some of them had moved out in front of the hotel, waiting to be driven to some affair. The governor walked by and turned around, came back to Virtis, and he says, "Hi young man. What's your name?" Virtis said, "Virtis Gammill." He said, "How's your daddy?" Virtis looked at him and said, "Still dead, governor." [laughter] That really happened. So it pays to have a good memory.

*I'm changing subjects a little bit. I've read that a group of people, a group of Nevadans, went to Washington, D.C., for the inauguration of one of the presidents. Were you a part of that group? Did you ever go to Washington for the inauguration of one of the presidents?*

I belonged to the sheriff's mounted posse. All westerners. All horsemen. I think thirty-six of us went to Washington, as I recall. I know it was thirty-six—Eisenhower's inauguration. We represented Nevada in the inaugural parade.

*Even though he was a Republican, you still went?*

Oh yeah. I'd say, by and large, most of the posse was Democrats. Hell, he was our president too, so we went. We had a special train with parlor cars for our horses. We had a ball on the train and off of the train. [laughter] By God, there are a few of those guys left. I believe only three. I get a call from them every once in awhile.

*Do you—the guys from Las Vegas or from outside of Las Vegas?*

From Las Vegas—they were all from Las Vegas—all of them in the posse. We had blue and white uniforms, white hats, and blue and white cowboy boots. They all carried a brace of .45s. No live ammunition.

*Were you going to be in the parade? Was that the idea?*

Yeah. That's what we went for. We were Nevada's representatives in the parade. Every year, every state sends a group. Maybe a band. Some states send posses—riding groups.

*Where did you stay when you were there?*

I don't know. I don't recall the name of the hotel. But we kept our horses at Boyd Racetrack. We took the train every day over to take care of the horses. We would take care of them ourselves. We assigned groups, five of us every morning would go over and come back, and a different five the next day.

*I recall hearing an episode of when the posse took some horses into a bar?*

I took them into a bar. Well, we were in a parade group. We were told what position to get into. They had white numbers on the street. If you were number thirty-four in the parade, they had white letters that said "34" painted on the street. That's where you'd take the posse. Well it was about ten above zero and we all had long underwear on and we had gloves, but you can't cover your posse suit with an overcoat. [Laughter] The posses would look like a mountain man from Nevada if he did that. So we had to just content ourselves, I should more like say punish ourselves, with just wearing our posse suit, which wasn't very heavy. We were all freezing. We were waiting in line and waiting in line and waiting in line and freezing to death. I said, "Coming up here, right down that street, didn't we pass a bar?" Jimmy Skyler had rode one of my horses. I had two parade horses. Some posse member always rode one of my other horses. I rode a horse that was smarter than hell. The smartest horse I had ever owned and I believe the smartest horse I had ever seen. You can't believe it. He could unlatch a gate with his lips. I could pull up a pick-up truck and lead him up the trunk and he'd jump in it. He was some kind of horse. Jimmy said, "Yeah, I think so." I said, "Come on, we're going to go get

a drink and warm up.” He said, “They may move without us.” I said, “We’ll catch them. This goddamn parade is a mile long.” He said, “OK.”

We ride down to this bar and there was a guy coming out. I said, “Hold the door open.” He said, “What?” I said, “Hold the door open.” He was coming out. He stepped back in and held the door open and I rode in. Of course, the other horse had been together for eight or nine years, side by side, and so the other horse came right in behind me. The guy who owned the bar was behind the bar. It was a small bar. I said, “Give me a double *Jack Daniels*.” Jimmy said, “I’ll have the same.” He said, “I can’t serve you. I can’t serve you. The law here says that you have to be seated at the bar to be served.” I said, “No sweat,” and I jumped off my horse and Jimmy jumped off of his and we’re holding the reigns. The guy served us and he’s so nervous, he’s scared to pour. He poured whiskey all over me. I got the biggest double shot that was ever served at that bar because he was so scared. We drank it, put the glass back on the bar and I turned my horse around, there wasn’t much room, and out we went.

Now Jimmy’s horse some way hung part of the saddle on the doorframe. The horse’s name is Tingle. And old Tingle kicked out a lot of the tile. He had shoes on him. He kept trying to get out. I didn’t see it but I got a letter from a lawyer explaining. Now there was a reporter in there and he comes running out. He said, “Wait. Wait. What’s your name?” I said, “Harry Claiborne.” He said, “C-L-A-Y or C-L-A-I?” I said, “C-L-A-I.” He said, “What’s your name?” Jimmy said, “Jimmy Skyler.” He said, “How do you spell that?” Jimmy spelt Skyler out for him. “What are you guys with?” I said, “From Nevada. The sheriff’s mounted posse from Nevada.” I didn’t know he was a reporter, but he’s writing it down. I said,

“Shit Jimmy, that guy was a reporter. Sure as hell.” We got up. Shit, there was a band going down 34 and we looked and we couldn’t see my posse anywhere. The band, they’re playing, and everybody’s moving. I said, “Come on Jimmy. We’ll move and go right down the side of them.” We galloped right down the side of them. We’re waving our hands, like we’re supposed to do, and getting applause. If they only knew what the hell they were applauding. [laughter] Finally we found our outfit. Unfortunately, we kinda put the horses in line according to their beauty.

We all had a position, all the time, wherever we went. We’d go all over the country, to Canada. Jesus, went to rodeos everywhere. A hell of an outfit, it really was. The only unsociable guy in the whole group was Ryland Taylor. God bless him, wherever he is. We were riding side to side on the front line. The front line had four horses in a line. The front line had moved over to the middle. [laughter] We rode over and they didn’t move over. [Sheriff] Glen Jones was in the middle carrying the flag. So I rode out of place. I rode in next to him. I usually rode the outside. He said to me, “Where in the hell were you?” I said, “We went to get a drink.” “Did you bring me one?” He said, “Where in the hell would you get a drink?” I said, “We manufactured one.” He said, “I ain’t asking you no more.” [laughter] I think he figured I stole a bottle of whiskey somewhere. Now I get home. I’m sitting in my office and I get a letter from a lawyer in Washington. Wants to sue us. My horse damaged his floor. Well, he got our names, the guy that owned the bar, from a newspaper article that was sent to the *Washington Post*. Referred to us as ‘two cowboys from Nevada.’ [Laughter] He wanted \$640 for damages to the floor. I never replied.

Now then, a week later, I get a call from a guy that was staying at the Thunderbird. He



said, "I'm out here with Mr. Skyler. Could you come out and meet us?" Jimmy said, "There's a guy from Washington who wants to talk to you." Didn't tell me what it was about. I figured it was a client, so I hustle out there. Skyler was general manager of the old Thunderbird Hotel. I go in Jimmy's office and there a guy sat. He got up, shook hands with me. He introduced himself and told me that he was from such and such television company in New York. Then he explained to me, he said, "We do a program called 'Interesting People In the News.'" He said, "We have as one of our guests, the guy who owned the bar." He said, "He's going to be on and we're going to interview him and ask him what happened when you guys rode into his bar on horses." He said, "We'd like some live pictures of you two on your horses." Jimmy looked at me and I said, "I'm not going back to New York." He said, "You don't have to go back to New York. That's why I'm here. I got my crew here. We wanna take some pictures of you two on your horses." I said, "All right. I'll go for that." He wanted them in the same suits that we wore, same horses and everything.

So we go out there and he says, "Now I'd like to go out to a good place. You guys would know better than I. Pick a good place in the desert." I said, "No, I'm not going to go for that." I said, "You just wanna be out in the open? We'll do it in my pasture." He said, "All right." He said, "Will that look like we're out in the Wild West?" I said, "Well, moderately so." Anyway, we put on our posse suits and we met in my pasture and they filmed for an hour. They were good enough to send me two large, see that house over there in that painting? They sent me two large pictures of us on our horses together.

*That's about three feet by three feet.*

Yeah, two of them. Nice of them. He said they would send us a picture but I didn't expect one so elaborate. I never heard anymore from the guy who owned the bar. I guess he was so happy to be on television, that he was an "interesting person," that he forgot the lawsuit.

*Did they actually play that footage of TV?*

Oh yeah. I didn't see it. They sent footage of it to Jimmy. He called me and told me, "Come out and look at it one of these days. It's pretty good," he said. Then I got the pictures, I saw the still pictures, and it did look good, but I never went out to see it. It just didn't break right for me sometime. I just thought about it coming home from his funeral. He died and I went to his funeral. Coming home from his funeral, I thought about this. I thought maybe it might still be in his desk out at Thunderbird, but I went out there and it had already been cleaned out. They sure cleaned it out in a hurry. I thought, he'd only been dead about five days.

*Maybe there was something else in there.*

Yeah. Hell, yeah. In a hotel I'd say yes.

*How long were you in the posse?*

Fifteen years.

*Do they still have that?*

No. We had a very nice posse house where Cashman Field is now. We had spent a lot of time there. It was a place to visit and socialize, and not meeting, just socialization. Regularly. I'd go down there three or four nights a week. Sometimes, I wouldn't stay long. We had a bar, a wonderful bunch of people.

*There was the Elks Club years ago that was very active too.*

Oh yeah.

*Did you belong to that?*

Yeah. I was in the Elks Club but I never, ever functioned in any of it. Never participated. Never went to a meeting or anything else. I really wasn't interested. Well, my office was at 101 South Third. The Elks Club was where the parking building is. The parking building there was the Elks Club then, right across the street from the courthouse. Third Street. The courthouse address is on Second, because it comes from street to street. But the Third Street entrance is the one everybody uses. Across the street towards Fremont, where the parking building is now, was the Elks Club. Nice building. I used to go in there all the time. Couldn't help when I was next door and all my friends were there.

*I would assume that a lot of the same guys who were in the Elks Club were in the posse as well?*

Ninety percent of them. I'll tell you, half of the lawyers in the old days played poker. Ryland Taylor played poker all the time. When he wasn't on the bench, he was over there playing poker. And that was the hangout for nearly everybody.

*Well, it sounds like in those days, between the posse and the Elks Club and the Bar meetings, it was a pretty full social calendar.*

I guarantee it was. I guarantee it was. It was the most amazing bar you ever saw in your whole life. Half the lawyers in town ate breakfast together every morning at Melody Lane. No lawyer ever missed Friday's bar

meeting. If a lawyer wasn't there, we knew he was sick and half-dead. You would think that the lawyers would be like they are now— a clannish group like here and there, here and there, five or six lawyers, maybe. Boy, they all were clannish too. When a guy passed the bar, they all groaned, but then they would treat him with open arms.

*Here's a newspaper clipping. This might qualify as one of the slow news days we were talking about. August 19 of '64, you apparently had a large flag hanging from the Landmark during your campaign for the Senate.*

They stole it! [laughter] They stole it! Man!

*Did you ever find out who did that?*

No. No. Boy that was the biggest banner you ever saw in your whole life—a hundred feet. We hung it up Sunday—the article says we hung it up Sunday night—and at 10:00 the next morning it was gone. Gone!

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## STORIES FROM LAW PRACTICE, 1960S TO 1990S

*Back to [Nevada] Supreme Court decisions. Harry J. Livingston [84 Nev. 403 (1968)]. Looks like it was embezzlement. Jury found him guilty of embezzling \$3700. I think he took it from Cashman Equipment. You remember that one?*

Oh yeah. The guy worked for them. Oh, it was nothing.

*Here's one—Jose L. P. Gallegos. It looks like that may have been tried in White Pine County. Gallegos was found guilty of murdering his wife and sentenced to state prison without the possibility of parole. You recall that one [84 Nev. 608 (1968)]?*

Yeah.

*Looks like you were co-counsel with Harry M. Watson. Was Harry Watson an Ely lawyer?*

Yeah. Harry Watson became a district judge and he was on the bench twenty-five, thirty years. I'm trying to think of who beat him—a partner at Lionel Sawyer—[Jon]

Collins! Lionel, Sawyer and Collins. Yeah. Collins beat Watson.

*This is 1968, this case. Probably that was after Watson had been beaten by Collins.*

Yeah, yeah. I remember the case very well because Harry called me and asked me if I'd help him with the appeal. I didn't try the case. I did help him. Hell, I wrote the brief.

*Did Watson stay in Ely after he lost the election and continue practicing?*

Oh yeah. Yeah.

*Did he ever come down here? I don't remember the name at all.*

When he was a judge?

*No, when he was in practice.*

No, I don't think so. I don't think so. I don't think he ever left Ely for any purpose

afterwards. I remember that I argued it in the supreme court. I remember that we didn't have a damn thing to go on. I remember that. Harry was a fair judge, but he was a damn poor lawyer, I tell you that.

*Not much of a record for you.*

Oh God, it was the worst record I ever saw. No, it wasn't.

*I see on here that Merlyn Hoyt was the district attorney of White Pine. He's been up there awhile. I think he's a district court judge.*

Yeah.

*Did he retire?*

He retired, yeah. Dutch Horton was a good friend of mine. Dutch always referred to me as 'the Master.' "Good morning Master!" [laughter]

*Here's a case: Maralyn Warmington. What was that case about? She tried to murder her husband [81 Nev. 369 (1965)].*

Yeah, she was acquitted.

*Looks like that was an appeal by the state, wasn't it?*

Yeah, no wonder—Ted Marshall. They appealed the acquittal. Yeah, I knew she was acquitted. Maralyn Warmington. Her husband was very abusive and she finally made up her mind to leave him. While he was working, she packed all of her belongings in the car. She was getting ready to move to her mother's house. Somehow, he must've got wind of it. He worked out at the [Henderson] plant. He raced home. He had told her over

and over and over, I don't give a damn for you leaving but if you try to leave, I will kill you. You're not taking the baby. I will kill you for it. She saw him driving in the driveway and she raced in, picked the baby up. He had a high standard .22 caliber pistol. So did I. Really, it's a target gun. She ran in, got it out of the bedside drawer, grabbed the baby, and put it under the blanket with the baby. He came in and good to his word, he was trying to take the baby. He was yelling all the time "I will kill you. I will kill you. I will kill you." True story. She called the police, and that's exactly the story she told the police. The policeman was a very nice guy that knew her and went to school with her and he said, "Maralyn, you should shut up and talk to an attorney first." A cop! And she said, "I don't need a lawyer. I don't want one." She damn sure needed one later on! The average automatic ejects the cartridge up and to the right, all of them. Those high standard 22s ejected the shells forward and slightly to the left. She claimed that she was trying to get out the door. She finally got the pistol to threaten him with, and when the gun went off, and it just paralyzed her. Since it was an automatic, she just kept shooting. Well, she shot four shots. All of them misses, but one, but she said that they were fighting for the gun at that time.

She told the police where she was standing, in the doorway, and half out the door. Prosecution's theory was that she lied. She was in the dining room because all the shells were in the doorway from the living room to the dining room. Tom O'Donnell was on that case with me. Tom and I were on our way to Mount Charleston. We'd been over to Bob Taylor's [Ranch House Restaurant] place. Next door to it he had a place where they shot guns. He also had an area where you could test fire revolvers. Target practice. We'd gone over there to target practice. We drank beer.

We went into the bar. Bar wasn't open, but he was there. We went into the bar and all three of us begin to drink. I guess Tom was a heavy drinker and I drank a lot but I had a capacity for quitting when I was driving.

I would say he was drunk, or very close to it. We decided to go to Mount Charleston Lodge. On our way to the lodge, he reached back in the seat and got this pistol. He said, "Oh, what am I going to do on the way?" I thought that was a funny thing to say. I said, "Are you drunk?" He said, "Well, I wanna shoot this goddamn gun out the window, but I don't know what to shoot at." I said, "Shoot at the mesquite bushes" and just kept driving. All of a sudden, I heard the gun go off. The shell hit inside my windshield—the corner of the windshield. I said, "Hey man, don't shoot the goddamn gun in here at all." I said, "Stick it all the way out the goddamn window." I said, "If you're going to shoot it out at anything outside, but don't shoot it in here." I said, "The shell's going to crack my goddamn window." So he did. Now I get into the case and I see what the prosecution's theory is in the goddamn preliminary hearing. I thought, "Augh!" They put their expert on and said, "Do you know she shot the gun from the kitchen, where the shells were?" They were backed against the far corner to the right of the kitchen wall. I knew right then I had them.

I'm sitting at home and Tom came over. He was over at my house all the time. We were sitting in the den watching the ball game one day and he said, "Well, you got that murder case?" I said, "Yeah." Then I told him, I said, "I got them good." He said, "How's that?" I said, "Well, they're going to try to make a liar out of my client." I said, "They're going to try and win it with that. They're trying to claim that she was in the house." I told him the whole story. I reminded him of what happened on the way and he said, "Oh boy, you're right. I

remember that." Then he said, "Can I sit in on it, please?" I said, "Yeah." And he did.

I didn't ask him [the expert] a word in front of the preliminary hearing. Not a word. The prosecution's expert, he was a cop at the police station. He testified as to his knowledge with guns and so forth. It did not take him long to conclude that she lied and the whole thing took part in the kitchen and she deliberately shot him. She didn't try to get away from him and all that bullshit. I took him over in cross-examination. Asked him all about the gun. "Are you familiar with the gun?" He said, "Oh, yes." "Ever fired it?" "Oh, yes!" "What were the circumstances when you fired it? Were you on a range? Firing range?" "Oh, yes." "Have you had an opportunity to fully observe the ejection of the cartridge shells?" "Yes." "You're positive?" I picked up the gun. "These shells ejected in the manner in which you've testified?" "Oh, yes!" I said, "All right." I said, "Your Honor, it so happens that I'm a better expert of this type of gun than the witness." I got away with it. I would've got it on anyway. I said, "This gun fires shells forward and to the left."

He's on the stand and he laughed. I said, "I want this gun tested." I said, "I'd like for you to pick two experts, from a list of experts that we'll furnish the court with, to go out and test this gun." I said, "It's now 10:45 and we won't be in session until the afternoon. Until 1:30." I said, "I would suggest we pick . . . or maybe counsel pick two. Some person from the police department or sheriff's office or whoever they want." I said, "I pick Bud Bodell, who the court knows is an expert." During a recess, they can go out and test their gun. I said, "It won't take any time." The judge said, "Well, that's reasonable and fair." He said, "Who does the prosecution want?" He said, "Well, I don't know but as soon as I get back to the office, I'll notify the court in



30 minutes.” The judge said, “Very well.” He picked Roy Trahan of the sheriff’s office. I called down and we went down to old Roy’s office and I called Bud and he came on down to the sheriff’s office, and they’d left.

Well, when we came back to court at 1:30, they were both sitting in court. The judge says, “Well now, when they call the jury in, are both of these people going to testify to their testing equipment or just one?” Bud Bodell spoke up and he said, “I’ll testify.” Ted said, “Oh no. No. No. He’s a fine detective and he works with Mr. Claiborne.” He said, “I’d like Mr. Trahan to testify.” The judge said, “Neither of you will give a report to counsel. You will give your report in open court. That made it easy. I knew, of course I knew, how it was going to come out. And of course, when Bud walked in, he went [thumbs up]. I said, “I believe that.” They put him on and he testified that just like I had claimed, like I knew he would, of course. They never recovered from that. Funny thing too, she gave a victory party. She had moved into an apartment. I went out. I was captivated by a player piano she had. I spent nearly the whole party playing that player piano. She said to me, “If I die before you, I will will you this piano.” By God, she did. I got it in my living room. She did die before me. Naturally.

*Here’s an article, October 10, 1965. Headline: “Claiborne Quits Post at Boulder City.” You resigned as city attorney after three weeks of commuting from Las Vegas. You said, “When I accepted the position of city attorney, I felt I could adjust my practice so as to serve the city with diligence as a city attorney and, at the same time, not disrupt or injure my private practice. But, now due to the distance between my office and here, and the workload, that I can’t do it anymore.” Do you recall that?*

Yeah. See, Jim French was elected mayor. He did have a [medical] clinic in Boulder City at that time. He had been mayor for Henderson and hired me as city attorney in Henderson. Well, when he was elected, he called me on the phone and he said, “I’d like you to come over as city attorney.” I said, “Jesus Jim, I just can’t do it. That’s all there is to it. My practice is too heavy.” He said, “Please, please. Come over and help me maybe, if only, a few months. Two or three months.” I said, “Jesus Christ, I’ll come over and help you, but no longer than you get your feet on the ground.” He said, “All right,” Oh hell, after three weeks, I just couldn’t do it. I just couldn’t do it. Hell, I was in trial so often you couldn’t leave the goddamn courtroom and go over there. Then when you had to go over to hold court, you had cases pending and motions pending.

*Here it indicates that the mayor was John Batchelor. Does that sound familiar? And apparently, George Franklin was the city attorney before you.*

Yeah.

*You came in and then after you announced your resignation, they wanted Franklin to come back. Does that sound familiar?*

He didn’t go back, though.

*Oh he didn’t?*

No. I don’t think he went back. John Batchelor? Yes! John Batchelor! Jim French was elected counsel. That’s right, that’s right!

*Jim French was a pretty interesting guy. I think he was the first mayor of Henderson. I think*

*he practiced out of either Rose De Lima or the Boulder City Hospital.*

Yeah. He was a good doctor.

*Here's a case, Billy J. Garnick. Looks like it was a writ of prohibition in Fallon. Churchill County. Doesn't look like it was much. You were contesting the information. Frye & Frye up in Reno was on the case [81 Nev. 531 (1965)].*

I know she was acquitted. [silence] Oh, that Frye case. I remember now. I was just in it on appeal.

*Is that the same Les Frye that you had the "Sandman" Williams case with?*

Yeah. This was afterwards, I guess. She had pled guilty and then she moved to withdraw her plea and the judge denied it.

*Here's a case: Kenneth Ronald Graves. It was an attempted murder case in Reno and it looks like Bill Raggio prosecuted him [82 Nev. 137 (1966), 84 Nev. 262 (1968)].*

Oh, you talk about a prejudiced community. Oh, yeah. He killed [attempted murder] one of Reno's star football players—high school kid.

*Tell us about this case. The kid was Joseph Fuetsch.*

His father was in the assembly with me in 1949, and a good friend. Yeah. He should've been acquitted. I think he would've been. Raggio brought him in on a gurney with oxygen tubes in his nose and IVs in his arms, tanks hanging everywhere, a nurse standing beside him, a doctor sitting right inside

the railing. He just was able to identify the defendant. "Can you understand what I'm saying?" Raggio said. He nodded his head weakly. I was trembling bringing him into court. He said, "Would you recognize the person who did this to you?" He said, "Yes." "Could you point him out?" They wheeled him around, within two feet of Graves, and he went like this.

*Very shaky—*

Oh, yeah. That's the case I should've won, but he was ticketed before he went in there. I don't know how many years they gave him. This football player, the Fuetsch kid, and several others, I don't remember now, I think it was three boys and three girls. Fuetsch was driving the car and they got somewhere beyond Reno, at an intersection of roads with a stop sign and there were directions. Graves was coming down one road with his car. These kids, according to Graves, had some kind of a hand fight going on in the car and laughing and slapping at each other. They ran through the stop sign and he saw that they were going to run through it. He just entered in. He threw the brakes on and stopped, but when he was stopped, he was right in from of them. The kid failed to stop and almost slid into him. He was dead still. Swerved his car and barely missed Graves. I remember that his car stopped and stalled. And Graves pulled around him and drove off.

They claimed he gave Fuetsch the finger. Graves said he shook his fist at them. He didn't give them the finger. There was no difference as far as the case was concerned. Now, when he got about ten miles down the road, this car comes up on him, and beside him and pulled him over into a bar ditch. Fuetsch jumped out and came racing to the car. Graves reached

over in his glove box where he carried a gun. Fuetsch opened the door and grabbed him close by the shoulder and tried to jerk him out. The other three boys were coming up behind him, and he shot him. He shot him and the shot went in somewhere here and severed the brain stem. Left him an invalid for life. That's why I say I should've won. I was sick. I wouldn't have taken the damn case if it had dawned on me whose son it was. Not until, really, I saw the spelling of his name. I discovered it at the arraignment. Called Bill [Raggio], I think the next day, and he verified that it was Carl's boy.

*OK. Looks like Mac Frye helped you on that case. Was that Les's son?*

Les's son.

*I'm looking at a Ninth Circuit opinion: Joe Bradley Smith and Myron Parker [291 F.2d 220 (1961)]. It was a bank robbery case and the issue was whether or not the defendant moved the bag of money on the counter of the bank, only a few inches, and whether a few inches of movement constituted a taking of the money. Does that sound familiar to you?*

I remember the case but I don't remember all the facts. I think Louie Weiner had the case in district court, and Annette Quintana and I, I think, took the case on appeal.

*Looks like it went up strictly on the one issue as to whether or not the movement of the money just a couple of inches constituted a "taking."*

The truth of the matter was, they never touched the money. I know I cited about twenty cases that it didn't constitute the taking and carrying away—opinion by Charlie Merrill. He dug up an old Sixth

Circuit case. *Rutkowski v. United States*, Sixth Circuit, West Virginia, one in Arizona, one in Nebraska and one in Utah, was *State v. Richards* in Utah. I went back and read them and none of them applied. None of them applied, Bruce! Not a single damn one of them applied.

*Let's talk a little about Charlie Merrill. He was a Nevada lawyer who went on to the Ninth Circuit [Court of Appeals], as I understand.*

Yeah, he was a [Nevada] Supreme Court Justice.

*Was he from the Reno area?*

Yeah.

*What was his background?*

He had a very good record. I didn't know him very well. I knew him better when he got on the circuit than I knew him when he was practicing. I guess he was a good lawyer. I sat with him on the circuit in a case. It would be hard for me to give an opinion. Let's put it this way, he never impressed me as a judge, but he always impressed me as a very fine person, a good man. I always felt he labored at his job on the circuit. I never met Charlie until he was on the supreme court. But, everybody always talked well of him. When you go to the bench, you kinda get lost for some reason or another because most guys that go to the bench, they lose themselves. Most. They don't get out, especially a federal judge. I guess it's historical—you get appointed federal judge, that's the last anybody ever hears from you.

*Just a couple of days ago, I was having a similar conversation with some lawyers and they were talking about the fact that some of the federal*

*judges complained that once they go on the bench, they feel isolated.*

They isolate themselves because they think it's expected of them. Seems like they just go in hiding. I never did. When I got on the bench, I lived just like I did before. Shit, I wasn't about to go into seclusion because I was a federal judge. I never considered it that important.

*Before, they would hang out with the lawyers, they'd go down to the coffee shop, they'd do that type of thing, and once they got on the bench, for whatever reason, they stopped doing that.*

They stopped going to community affairs, also.

*Well, from a social standpoint, being on the bench doesn't sound that entertaining, does it?*

Hell, no.

*Some of us have enough trouble keeping friends as it is, without isolating them.*

That's right! Walk away from all the friends you have, for Christ's sake. A lot of us didn't have many to start with.

*OK, I have another one. It was Frank Esposito and this is a Ninth Circuit [436 F.2d 603 (1970)]. You apparently were a witness in this case where you met with him after a jury had returned a guilty verdict and told him that he faced a certain penalty. I don't understand why this was important in this case. Does that ring a bell with you?*

I was called by the government as a witness because after he entered his plea, or after he was convicted by the jury, I don't know which one it was, he approached me. I don't know

what the legal questions were now. I told him what I thought about his expectations of sentence only. It's kind of confusing because I don't know how I got around to that because I was urging him to plead guilty. I told him he should plead guilty. I answered his questions, but I wasn't his attorney. Never was retained or had anything to do with this case. I was in the courtroom waiting to see the judge. He spotted me. He came out, I believe, at a recess, and I went in to get something signed with the judge. I came out and he walked up and said, "Could I talk to you a minute?" I had a conversation. I think he was contemplating at that time, entering a plea of guilty, as I remember. But I think he went ahead then and was convicted. But I had no attorney relationship with him.

*At one time, you represented Wes Durston and Thunderbird Field [83 Nev. 337 (1967)]. Where was Thunderbird Field and tell me a little bit about it?*

It's the North Las Vegas airport. North Las Vegas eventually bought it from the guy [Ralph Engelstad] who owned the Imperial [Palace Hotel and Casino]. I tried a case against him and I got a judgment, something like \$300,000. He had a partner who lived in Modesto, California. They owned it and they had bought it from Durston. Then, I believe, he bought it and then sold it to North Las Vegas. Well, Hughes came to him, Fitzgerald representing Hughes Corporation, went to him and wanted to buy. And, as all those huge transactions were in those days, they were offering more than the market value. I don't know if the judgment was more than \$300,000 may have even been \$600,000, I'm not sure. But, anyway, they were losing money and Engelstad goes over to Modesto and sits down with my client. He said, "We can't go further."

He said, "We're going to need more operating money." He said, "I know you're right down to the bone." He said, "Why don't I just buy you out?" They discussed the figures there and he bought him out for about half of what his investment in it already was. Then he came back to Las Vegas and his lawyers prepare all the documents. He goes back over, delivers the money and signs the documents. He's the sole owner. Then, he turned around and sold it to Hughes, a million and a half more than they valued it at the time of the buyout.

*He knew about the Hughes offer when he was dealing with your client?*

It was a funny thing that even though he was so wrong, he badmouthed me everywhere he went after that. God, must've been a dozen people. Well, I represented some of the major hotels in those days. I represented the Dunes. I represented the Horseshoe. I represented the Sands. People that I knew in that relationship. This guy was just volunteering, my name wasn't even coming up.

*Who was it that actually developed the airport? Was it Wes Durston that developed it in the first place?*

Yeah, Wes Durston. Yeah. My God. How he toiled in it. He couldn't make a go of it. He worked—he did all the grading out there himself. He just worked like a dog.

*That must've been right out in the middle of nowhere at that point.*

[laughter] I should say. I should say!

*Who was he trying to get as people to use his airport? He would be in direct competition with McCarran at that time.*

Oh, sure, yeah. And the commercial airport that's out there next door to McCarran. I can't think of the guy's name who ran it. I wanna say Albright but I know that's not the name. Anyway, it had all the business other than McCarran.

*The North Las Vegas airport, the Thunderbird airport, was pretty far removed from any commercial activity in the city.*

Oh, yeah. It turned out to be a good airport and a good moneymaker, but the town had to grow.

*You represented John E. Kelly and it was in a case where he apparently ran for Nye County district attorney against Bill Beko [79 Nev. 1 (1963)]. It's unclear as to what the issue was. You and Kelly were trying to get the election results set aside. Do you recall that?*

Yeah, it was some kind of fraud. I don't remember exactly what it was. John Bartlett? Good God, that's '63! Kelly ran against Beko for district attorney. He won. Wait a minute. No. He lost. It was apparent what happened. Beko lived there. Kelly didn't live there. He lived down in Las Vegas. Just a few votes separated them. Kelly demanded a recount. A recount board was duly and regularly constituted. A lot of illegal ballots were cast, let's put it that way. The board threw out all those illegal ballots. Everybody used paper ballots in those days and John had actually won. The board certified him the winner in the recount, but that it isn't enough. The county commissioners have to ratify the vote in all elections, county and state elections. They wouldn't certify Kelly and they went ahead and certified the local boy, Beko. In this case, we brought *mandamus* proceedings against the clerk. Forced her to certify that



Kelly was the winner. She refused to and she certified Beko. We went to the Supreme Court on the *mandamus*.

*You had a lot of dealings with Bill Beko over the years, I would assume. He was the district attorney in Nye County for years and then he was also the state district court judge in Nye County and served other counties as well. Tell us a little about your dealings with Bill Beko.*

I was in that case against him. We later on became very fast and good friends. In fact, every fall we deer hunted together, about twenty years. He had a cabin up on Cherry Creek [Nevada]. It was barely in Elko County. It was good deer country though. We'd go up there and stay a week every hunting season. With a cop down here named Bill Hanlon. He was a good man and good judge. He was a "call them like he saw them" kind of judge. I had tremendous respect for him. In the beginning, I didn't think he was a very smart guy. I didn't think his knowledge of the law was anything to write home about, but when I began to try some cases against him, when he got on the district court, I saw exactly how goddamn smart he was. He just didn't come off as being real smart.

*He was a very influential man in Nye County, wasn't he?*

Well, I suspected that he ran Nye County, all of it. There's no question about it.

*He was physically, a very large man.*

Huge man. Had the biggest hands on a person I'd ever seen in my life. My God, if he ever went to shake hands with you, he enveloped your whole hand and wrist and half of your arm. Big man. Big man. Wonderful

guy to travel with and to be with; he came close to being supreme court justice, too. The guy who was in the middle of the fight with Gunderson and all those justices. [Noel E.] Manoukian! In fact, the governor told me, I talked to him in support of Beko, and he later told me that he came close. After I left, he said he came close to appointing Bill. Then, Manoukian came to see him. Manoukian had worked with him in the campaign. I believe he headquartered his campaign—Mike's campaign in Douglas County.

*This is Mike O'Callaghan?*

Yeah. He felt obligated, so he appointed Manoukian. I don't know anything about who was responsible for the big fight. But I know that Manoukian was trying to disbar Pete Flangas!

*It had to do with an estate in Douglas County, and I don't remember much about it.*

He made it a campaigning issue too—Flangas and a well-known lawyer in Reno.

*In Reno or Carson City?*

Carson City.

OK, William Joseph Bryan, up in Reno [78 Nev. 38 (1962)].

He was a doctor.

*This one was "furnishing liquor to a minor," and he was sentenced to pay a fine of \$1,000. This has to do with furnishing liquor to a minor.*

It's a doctor! God, he came down here and he hired me. I guess this was upon conviction to appeal it. He paid me \$12,000 to appeal a

\$1,000 fine case. Of course, I used to sit and wait for those guys who wanted to continue a case because of the principal involved.

*Was he concerned that he might lose his license? Was that part of it?*

I think so. I'm positive it was.

*Here it says it was a gross misdemeanor. In the back of my mind, it seems like there's a difference between a misdemeanor and a gross misdemeanor, in terms of their licensing privileges. I could be wrong, but I think so.*

I think so, yeah.

*Twelve thousand dollars for a \$1,000 fine—need more of that work.*

Well, I want to tell you about him. Later on, he moved to Los Angeles. He began to go into the hypnosis practice. Then, he became very well known in jury selection. In fact, he wrote a book on jury selection. I never used him. I should've, but I never put a lot of faith in him. When he wrote the book, he autographed it and sent it to me. I still got it somewhere. But, he was used by a lot of damn good lawyers across the country—prominent defense lawyers. Through the years, some of the leading criminal lawyers would converse together on the telephone on a lot of occasions, pick each other's brains. I happened to be fortunate enough to be one of those lawyers. One of them told me about using him and was fascinated with him. He got quite a reputation there for a while, but, then I don't know what happened to him. Oh hell, I know what happened to him—he died! [laughter] Died of a heart attack somewhere. Great big man, I guess he'd weigh about, close to 400 pounds.

*Was he a practicing doctor in Reno or down here?*

In Reno. Actually, in Sparks.

*Just to follow up on that theme a little bit, did you, while you were in practice or while you were on the bench, have any experience with jury consultants?*

Yeah. Not personally. I was too enamored with my own abilities, to turn it over to a jury selector. Hell no! I just couldn't bring myself to do it. I had to do it myself. I knew I'd do a better job anyway.

*That's a big business now.*

Oh, I know it's a big business.

*Was there a jury consultant in the Binion case? When Ted Binion was killed?*

I think the defense had one. I don't remember who it was, but they did have one. He didn't do a very good job. They got convicted anyway. Oh yeah. They'd better get their money back.

*Here's a case, and I've actually seen this case come up numerous times in the civil area. Twardowski was the name of the people and they sued the Westward Ho Motels [86 Nev. 784 (1970)]. This was a case where there was a child who was swimming in the swimming pool.*

The railing of the slide broke off and she fell and hit her head on the concrete.

*Did you try that case?*

No. I didn't try it. [silence] Oh yeah, they appealed. The supreme court set aside the

jury's assessment of damages and the trial costs. Only the verdict, they sustained.

*OK, here's a case: Joseph Oberle. He was convicted of grand larceny. It went up on a writ of habeas corpus. Does that name ring a bell at all? It doesn't look like it was too much [82 Nev. 428 (1966)].*

No.

*Here's one: you represented Helen Gertrude Trombley [45 F.R.D. 427 (1968)]. Does that name ring a bell?*

Let me see that. I remember her. I remember Gertrude. That's what the damn case is about. I know what it was about but I don't know the facts. I mean, generally I know that it was a case of identification and it was a removal procedure to Illinois. I'm not sure. I think it was Illinois. Eastern state. Didn't offer any evidence to the identification, if they were the same people.

*[laughter] This probably falls into the category of slow news days, this next article. January 16, 1967, in the R-J, headline: "Claiborne Home Looted of \$4,425." Your house was broken into and they stole a mink coat, some bracelets, a TV.*

The funny thing, I came in about two o'clock in the morning and my family was out of town. I went down with all my friends and we drank and partied and went here and there. I got home about two o'clock in the morning and I went straight to bed. I get up the next morning and my goddamn bedroom looked like a tornado had gone through the house. All the drawers were looted and everything. The night before this happens, there was a guy in Texas—I was having lunch with Benny

Binion—a guy from Texas owed me \$5,000. He walked in and sat down with me and Benny and he said he was staying at the Horseshoe. He said, "Thank God, I'm glad you're here." He comes back with \$5,000 case in his hand. He said, "I owe you this." I said, "I know you do." Thanked him and I put it inside the coat pocket. At night, I hung my suit up and didn't take the five out from inside the coat pocket. I wasn't drinking neither. The next morning, I thought about going to take it and deposit it, so I took it out the next morning and I laid it on my dresser. And by God, forgot to take it to the office. They deposited it for me. They saved me the trouble. Frank Sinatra had given me a watch. I treasured it, of course. They took it. I never got it back.

*When you came home in that night, the robbery had already occurred, apparently.*

Oh yeah. Didn't notice it. Goddamn it! A blind man would've noticed the place was ransacked!

*Here, two articles in the R-J. April 6 and April 12, 1967. First headline: "Harry Claiborne has surgery," and the second headline, "Top Attorney Recuperating." Apparently, you had abdominal surgery. Was that when you were injured by the horse?*

This is a different thing, yeah. I actually think that the horse thing was responsible, maybe, for it. But, I had a hernia and something else done at the same time. I think the hernia was an outgrowth of the horse accident.

*Here's an interesting character. You represented Charles L. Kellar in front of the Supreme Court on a disciplinary matter [88 Nev. 63 (1972)]. The board of governors apparently*

*wanted to revoke his license and the supreme court refused to do that and gave him a public reprimand. It had to do with Kellar purchasing some property that a client had come in to see him about. Do you recall that situation?*

Aw, he was the biggest crook. I know all the facts of this case. This wasn't the only one that cropped up, I don't know if before this or after it, but he did it. He was always out there in front at civil rights with the black people and pretty soon he would become the guy to go to if you were black and you were in trouble over there. Then, a great majority of the blacks lived on the west side. He just absolutely raped all of these people that come to him. Most of the people who came to him had no money. He'd take a trust deed on their house. He first tried to get the house for the fee, and if they wouldn't go for it, he'd take the trust deed on it. When I found out eventually, factually, all these things that he did, I just got sick in my stomach. Old people. Senior citizens. Really senior, senior citizens. Would just finagle them out of their homes—and put them out! They always lost. He'd go ahead and try the case, but he'd lose. The only way in the world that the supreme court just gave him, in that instance, reprimand, maybe, was two reasons: they didn't want to disbar a black lawyer and, maybe, the fact that I was representing him had a little something to do with it too.

So anyway, after that case was over, he went to Africa. There wasn't enough to plunder here—went to Africa. He gets over in Africa and there's a great artist that carves elephant tusks. I did look him up and his name was Seth Gambadi. He took a tusk of a giant elephant, maybe four feet long, that's long, and he starts out carving out an elephant head. Bodies—heads and bodies, and the tusks! Magnificent piece of work! All the way down to the end of this tusk—smaller

and smaller elephants until the one at the very end was this tiny. It was and is a magnificent piece of work. I looked him up and I guess he's the most famous of all African sculptors, and I could see why. He had a plaque put on it. Gambadi's name carved in back and he had a plaque manufactured, put on it, called, "To Harry Claiborne, The Lawyer's Lawyer. From, Charles Kellar, the People's Lawyer." Great ceremony. He came into my office and presented it to me. I never could say that he wasn't grateful for what I did for him. There were times he came into my office, I reached back and kept my hand on my billfold.

*He was the first black lawyer who was admitted to the Nevada State Bar.*

That's correct. Yeah.

*There are some stories around town about Charles Kellar.*

Oh my God. The things that I eventually found out about him!

*Here's a divorce case. Joan Harris. Do you remember Joan Harris [84 Nev. 294 (1968)]?*

No.

*Here's a case that you represented Thomas J. O'Donnell when he was sitting on the bench and it was a hearing pertaining to an adoption and they were trying to disqualify O'Donnell from hearing the case. I'm not sure why you were involved in representing him on that type of a case. Do you remember that situation [85 Nev. 642 (1969)]?*

I don't remember the facts but I remember it occurring. Let me see that just a minute. I know that they had to put the children out

at the Child Haven. At the time. I remember that the mother and father had abandoned them. I recall. They had just walked out of the house and they drove up to Beatty, Nevada. I'm pretty certain that the mother went to working the whorehouse right out of Beatty, as I recall. He just walked around town and took her money. There was an older child, I believe sixteen years old, was taking care of them and she walked into the police station one day and said, didn't know where her mother was and her father. They eventually were arrested and the county put the kids up for adoption. They had challenged him. They had filed a petition to transfer but they didn't do it in ten days of the—.

*Here's one: Jack Van Sickle [86 Nev. 531 (1970)]. He apparently was charged with conspiracy to murder six people in California and you were representing him. Do you remember that case?*

Well, Jack Van Sickle was one of the richest men in Douglas County. At one time, he was a major property owner of all the property in [Lake] Tahoe, around Tahoe. He started out packing. He had some mules. He packed freight in. He put every penny he made in the land up here. God, he was something. I know it's true, that he hired a guy to kill his ex-wife. The guy bungled the job. They finally got arrested. They indicted him and Van Sickle. Van Sickle hired a lawyer in Reno—Sam Frankovich. He became dissatisfied with Sam and he hired Pete Echeverria. He was in the office and Pete was talking to him. They were going over something in the case. Then he said, "Do you know Harry Claiborne, Pete?" He said, "Yeah." He said, "Get him on the phone. I want to hire him too." So, I get a phone call and Pete says, "I got Mr. Van Sickle here. He wants to talk to you and he wants to hire you too." I said, "Well, how do you feel

about it?" He said, "Oh hell, I'd welcome it Harry. You know that."

I tried a couple cases with Pete. We were friends. I liked to work with him. I talked to the guy and I said, "Well, I'll come up there and sit down with you and Pete, and we'll work out a fee," which I did. So, I started on this case. We wound up having to try it and we won it in Modesto [California]. There's a lot of Basque in Modesto and the fact that Echeverria was also Basque didn't hurt us. We won the case, then, the son of a bitch wouldn't pay us. He owed us a lot of money, I think, \$60,000 he owed us. Son of a bitch wouldn't pay us and we had to sue him. We sued in Ormsby County [Nevada] and he got it transferred. His lawyers transferred it to Elko. That should've told us we were going to win. He figured he couldn't win it in his home county. He was a miserable son of a bitch, that's what it boils down to. We beat him in Elko County. [Judge Joseph O.] McDaniel had just got on the bench and he was kinda feeling his way. Turned out we were impressed with him. We won and he appealed to the supreme court.

*Finally get your money from him?*

Yeah. He had something like five-and-a-half million in the bank.

*I wonder if he's still alive. I don't hear that name anymore.*

I think he's dead. He was older than both of us so, hell, I'm eighty-five and he ain't likely to be around.

*Let's talk a little about Pete Echeverria. Pete is a well-known figure in Nevada legal journals.*

Magnificent trial lawyer!



*He went on to become chairman of the gaming commission and got somewhat in the corporate area toward the later years, but I understand that he really started out trying cases in some of the smaller counties. Talk a little bit about Pete, if you will.*

This was the most magnificent trial lawyer you ever saw in your life. I hear a lot of people who say that they tried cases against me, who've said that I was better than the usual trial lawyer, let's put it that way. I tried some cases with Pete and I worked with him on them. Every case that I tried was an important case, and I always thought that Pete Echeverria was a better lawyer than I was. Pete would probably say the same thing. [laughter] But he was good. He really was. He had great judgment. We had a lot in common as far as trials were concerned. A lot of times, he would break the monotony with something real humorous. I was guilty of the same thing. I didn't pick it up from him. Pete—wonderful lawyer! He got Alzheimer's. I think it was the saddest day in my life when I went to see him. I said then that I would never go see anybody else that I cared for that had Alzheimer's disease. I was running for the United State Senate against Cannon. Every year, they have a Basque fiesta, or whatever you call it, in Elko. It's an annual thing. Big sha-doo.

*Fourth of July isn't it?*

Fourth of July—right! If you're running for a state or federal office, you better be there. Of course, I went. Pete was the master of ceremonies, introducing all of these people. Pete introduced me with tremendous flourish, all in Basque. Introduction to everybody was in Basque. I didn't know what the hell he was saying but, in the end, they just roared with laughter. He then said, "Harry," shook

hands with me, and I made my speech, shook hands with him and left. I wanted to get out of there, and I had someplace else I wanted to go on the Fourth of July. I think down here. Later on, I found out what he said. "This is a wonderful friend of mine and I love him. He's the best damn lawyer I have ever seen! I'm not for him. I'm going to vote for Cannon. He's going to lose but, despite that, be nice to him." [laughter] Next time I saw him and after I heard about what he said, I said, "You rotten son of a bitch." Then he said, "Well, I just wanted to get even with you for the story you tell around."

I used to tell the story about old Pete. Damn story, I haven't told in fifteen years! A Jew, a Hindu and a Basque. They were traveling across the country and they came upon a sign that says "Detour." They took them through a detour and somehow or another, they got lost and they were going through a country road, through the countryside. They came upon this rickety old bridge and it caved in with them. The car sunk in the water about three feet deep, the bottom of the stream. It was getting close to nighttime and one of them said to the other one, "There's a farmhouse there. That guy might have a tractor. Let's go over and see him." By the time they got to the farmhouse, it was dark. They knock on the door and the farmer came to the door and they told him their plight. He said, "I do have a tractor but it don't have any lights on it." He said, "I wouldn't be able to pull you out in the nighttime, but I will do it first thing in the morning." He said, "Come on in and you can spend the night here at the house." He said, "But I should tell you, I've got one room with two beds in it and that's the only other bedroom we have in the house." He said, "But I have a neat barn with really good storage room." He said, "You can take some blankets

and it will be comfortable out there for the third member. It's up to you to pick the two will stay in the house and the one who will go to the barn." The Hindu said, "I'll go sleep in the barn." They had dinner with the farmer and his wife and they all went down to the one bedroom when it came bedtime. He said, "Well, I'm going to get on down to the barn."

So he'd go down and pretty soon there was a knock on the bedroom door. The Jew opened the door and the Hindu says, "I can't stay down in the barn." He said, "There's a white cow down there." He said, "You know, it's against my religion." He said, "I can't be in a building with a white cow." The Jew said, "Well, OK, you stay here. I'll go down." He went down and pretty soon, there's a knock on the door. The Hindu opened the door, the Jew comes walking in and says, "By God, I can't stay down there either. There's a sow and a litter of pigs in that barn." He said, "You know, I can't stay down there." So the Basque said, "Well, hell, I should've known the whole time. I'll go down. I'll sleep in the barn." So he leaves and pretty soon, there's a knock on the door. The Jew goes over and opens the door and there stood the cow and the pig. [laughter] Pete said, "You rotten bastard." That's the only chance he had to get even and he really punctured me in his native language.

*Where did he grow up? Was it Ely?*

He was raised in Ely.

*You think he practiced in Ely or did he practice in Reno?*

I'm not sure. I know that if he did practice in Ely, it was early and not long. He left after maybe a year or so. He didn't go into a firm. I guess worked himself up, by himself in the practice. Delightful man, really and truly.

*Here's a case where you represented Russell F. Bullock, who was a police officer who allegedly arrested and attacked two minors [88 Nev. 615 (1972)]. It looks like he was thrown off the police force or some otherwise disciplined. You were representing him in those proceedings. Does that sound familiar?*

Yeah. I don't know what he did though. So many of these cases!

*It's probably not much. Here's one that you represented the Estate of Mackley Odett and it was to set aside a deed to some real property on fraud. Does that sound familiar [86 Nev. 847 (1970)]?*

Yeah. I remember the woman. This guy owned half of that street, on Stewart Street, across the street from the old post office and the federal building, to the left facing the post office. All the property across the street up to Main Street, he owned. He died and I guess I represented the estate. He had acquired a piece of property and he sold it to Tad Porter's client. I don't know how they brought suit or why they brought suit. The description in the deed was incorrect.

*That's what this case is about, is the description on a deed?*

Yeah.

*Here's a divorce case that you were involved in. Barbara A. Stojanovich [86 Nev. 789 (1970)]. Apparently, Peter Stojanovich was a pit boss at one of the casinos and she was working as a waitress.*

Yeah, I remember the divorce case was not my case in the district court but I did represent her in the supreme court. Ralph

Denton and Earl Monsey represented old Peter. I had Barbara Stojanovich. I know why I took an appeal but I don't think it would look good on my history.

*[laughter]* All right, here's one: Ernest D. Garrigus and Ardwin J. Block who were pharmacists and they were selling excessive quantity of prescription drugs. It was an action by the Nevada State Board of Pharmacy [88 Nev. 277 (1972)].

To take his license—he was engaged in selling prescriptions, any drug a guy wanted. The first druggie gets out of the building, he tells another druggie, and here it goes. Hell, he was selling more drugs than all the rest of the pharmacists put together. I knew I won it in the supreme court. They revoked his license. They say the accused pharmacist had a right to know what they had violated. Must've been something wrong with their complaint.

*One of the things that was interesting on this, is that a law firm came in and filed an amicus curiae. Do you remember what that was about? Why that would happen?*

Yes, I do know why it happened. The National Pharmaceutical Association came in and they filed a brief. They called me and asked me if they could file a brief. They wanted a copy of my brief and I sent them and they wanted permission to file a brief also, which they did. I'm sure it had some weight.

*Probably had something to do with their national standards, that type of thing?*

Yeah.

*Here's one: A. William Villa [86 Nev. 137 (1970)].*

Bill Villa. Blind man. I was in court with him in several cases. He's been dead for twenty years. He was no more blind than I am. Maybe I'm better off. My sight's better than his was when he died. I'll tell you what I did. I had him over and over and over. A wonderful guy. I guess he really did qualify under the blind act title. I don't know. He's another one of those *pro bono* clients that I had. He had a seeing-eye dog. Gorgeous animal. Just a gorgeous dog. He'd come in with his seeing-eye dog. He'd come in my office just before lunchtime. Whatever he wanted to know, I answered his questions, and he left. As he was going out the door, Tom O'Donnell came in. We went to lunch. We get up to the corner of Third Street and Fremont, and I see him up there with his dog. The dog started to cross the street and he jerks him back because the red light went off. I see this! I said, "Oh shit." I don't say nothing to Tom about him. I'm beginning to think of all the work I've done for this guy and if he was a phony, I'd die. So, I go back to my office.

I had two secretaries working for me downstairs and one upstairs. To get into my office, you had to walk right by their desks. I get back by 1:30. I call them in and I said, "I wanna tell you something right now." They were so fond of this old man. I said, "I wanna tell you something right now. Your friend, Bill Villa, is no more blind than I am!" "Why would you say?" They got so indignant. I said, "All right. The next time he comes in here, I'm going to prove it to you." Well, he came in. Now, between the desk and a wall, it was about this wide [three feet]. So one day, Ruby came back and she said, "Bill Villa's here." I said, "OK. All right, I want both of you come in here." They came in and I said, "Now, I'm going to prove to you that he's not blind." I said, "When I get ready for him, I'm going out there first and I'm going to put a wastebasket right in

the middle of that hallway.” I said, “He always left [the dog] out in the reception room.” Ruby said, “Oh, he’ll fall over and then hurt himself.” I said, “No, he won’t. He’ll walked around it.” She said, “Oh.” I’ll never forget what she said, “My God. You’re just plain mean, Harry.” I said, “Well, I may be, but you watch, he ain’t going to fall Ruby. All right, send him in here.” They go out and sit down and they say, “Bill, he’ll see you now.” Here he comes. He’s got the white cane and he don’t even put the white cane in front of him. He walks right around [laughter]. When we got through, I come out and I was grateful. I looked over and Ruby’s crying. She said, “I wish I hadn’t seen it.”

*Did you keep representing him after that?*

No. No. I had something then. I went ahead and handled it. I never said a word to him, or nothing.

*Here’s one that I think you’ll remember: Stuart M. Goldstein [(87 Nev. 512 (1971), 89 Nev. 527 (1973))]. It was a murder case.*

Yeah, we’re going to something else. I remember Goldstein. This guy and his wife lived in Chicago. They were on the way to California; they were going to kill his uncle. They never done a murder before and they felt they needed practice. So help me, this is true. They decided to stay overnight in Las Vegas and gamble and see if they couldn’t get a cocktail waitress somewhere and they would murder her. They started gambling at Caesar’s Palace and they got friendly with the cocktail waitress that was working the pit. They invited her to go with them and gamble after she got off work. She accepted and went with them. They gambled in a lot of places and they decided to go back to Caesar’s Palace so she could get her car. She was going home. They

drove right on past. They took her out into the desert. They both shot her a number of times and then he goes over and urinates on her body [November 16, 1970]. Real sickos. They determined that they could murder somebody and it was a good lesson.

They were going to go on now to California and kill his uncle. They were both sick. He was about twenty-three or twenty-four years old. They had a delightful mother and father. He never was in trouble in his life. Never. The girl, ordinary young lady, never had much as a traffic ticket in her whole life. You couldn’t have figured that both of them were just sick people, absolutely, absolutely, devoid of any sympathy for this girl. She had a little girl of her own, three years old, single mother. My God, you think criminal lawyers have no feelings, but you do. I would have to say this is one case that really, really weighed me down for a long time.

*It looks like he entered a plea of not guilty by reason of insanity and then he wanted to waive a jury trial was another issue.*

Yeah.

*One of the other things that went up to the supreme court was that he had given an oral confession of the homicide to one of the police officers even after the father had hired you.*

He was proud of it! He was proud of it! He told the psychiatrist. Jesus Christ!

*Did that case go to trial or was it plea-bargained?*

I think we went to trial. I think the case you have there is preliminary motions. Yeah. See, she turned state’s witness. There’s two different cases. One went up on that waiver

of a jury trial and our request for a district court judge to conduct a trial. And of course, the other one was on the confession. I'm sure that there would be a different result this day and time.

*Which one was that?*

On the confession, because they conceded that they knew I was his attorney. You can't do that anymore.

*They let the confession come in anyway?*

Yeah. The supreme court said it was OK.

*Is Goldstein still in prison?*

No, he's out.

*How'd that come about?*

He's paroled.

*Did the girl go to prison as well? His wife?*

Oh no. They didn't charge her.

*She cut a deal with them?*

Yeah, but she denied that she had anything to do with shooting the woman. But, Goldstein said she fired two of the shots. She said, "Let me, let me," and after he had shot her three times.

*Here's a case: Richard Charles Roy [87 Nev. 517 (1971)]. You represented him and he was a 22-year old mentally retarded busboy, unable to read or write, purchased a lid of marijuana from an undercover police officer. Does that sound familiar?*

Well, he was convicted down in district court and I appealed it. Here's a kid, who was working on motorcycles and he's mentally retarded. Up the street where he lived was a drug dealer. A couple of cops were staked out on the house. Right across the street from his house was a vacant lot. They would just sit there in the vacant lot and they watched the kid. They went over, the two detectives, and looked at his bike and talked to him and sat down and started helping him repair the bike. They readily saw that he was mentally retarded. They said to him, "Would you help us?" By this time, a couple of days had elapsed. They had been there every day, working on his bike and talking to him. To make a long story short, they gave him \$20 to go up the street and buy some marijuana from the guy and to bring the marijuana back to them. So, he went up the street and he bought the marijuana. The guy knew him but he'd never bought any from him. But he knew him. Sold it to him anyway. The kid went back, they had marked the bill, delivered the marijuana to the cops and he signed the evidence bag. The cop who signed it gave it time. They go up to the house, they're going to arrest the seller. He's not there. Then they go back and they couldn't get a search warrant, or changed their mind, I don't know what. But they turned around and come after Roy's home and charge him with possession, those rotten bastards. It was another *pro bono* case.

*Well, the new good news is that the conviction was reversed by the supreme court.*

Yup.

*Curtis Lee Austin [86 Nev. 798 (1970), 87 Nev. 81 (1971), 87 Nev. 578 (1971)].*



Drug peddler.

*Drug peddler? It went up on the supreme court on three different matters. I don't know if it was even the same case or not, maybe it was different cases, I don't know.*

They're all different cases! They're all drug cases. Oh, he had lots of money. He made no bones about being a drug peddler and nearly all of his convictions these three particularly they were informant cases. One of the cases, he sold to a police officer. He was a wonderful guy to represent. I liked Curtis Austin. I really did. One was heard by [District Court Judge] Kenneth Mann and the other was by Beko, but both of them are the same. All of them are illegal possession of heroin. The other was Vegas.

*Did he eventually get convicted and go to prison on any of this?*

Yeah. Oh, yeah. This was a motion by the State on a dismissal of a preliminary hearing, the justice of peace. That's the Vegas case—they appealed. The Nye County case, he was convicted of possession of heroin. Oh hell, this was an appeal from the denial of bail by Kenneth Mann. I see my old case [cited] of *State v. Teeter*.

This was on a motion on the denial of bail and this was an actual trial. He was convicted and I appealed because the informant, accomplice not corroborated. That's no longer the law that you had to corroborate an accomplice. They had to with actual testimony. The rule is now that the facts of the case may be used as corroboration.

*Did he go to prison on that last conviction in Nye County?*

Yeah. Yeah.

*Did you try more than one case for him or is this the one?*

I know I tried several cases for him.

*Whatever became of him? Is he around now?*

He's around. I haven't seen him since, I guess the last month that I was in the practice of law, before I went on the bench, he walked in. You'd never believe he was a drug peddler. But, I talked to him. He was out of prison and he was driving a truck for Wells Cargo, I believe. He said he got out of it and he wanted no more of the penitentiary. While he was in jail, his wife had a baby boy. He said he had something to come back to and he's doing fine.

*The judge in Nye County before Bill Beko was Kenneth [L.] Mann—did you have many dealings with him? Sounds like you spent a lot of time in Tonopah.*

I tried a lot of cases in Tonopah. I was well known in Tonopah. I tried so many cases there and I knew them all well. Ken Mann was a scholar. He was a scholar and a good man. He wanted to do what was right and he was concerned with whether what he was doing was right or not. I had a lot of respect for him. In fact, every judge up there—Judge [William D.] Hatton, Peter Breen, Mann, and Beko—were all good judges. Good, solid judges. I had tremendous respect for all of them.

*Did Mann grow up in the Tonopah area, do you believe?*

I know he practiced law in some other county and I want to think that maybe he was

practicing in Fallon, as I remember. Fallon, Nevada. He got appointed.

*Did you know him before he went on the bench?*

Yes. Not well.

*Bill Beko, I understand, he grew up in Tonopah.*

He grew up in Tonopah.

*Then, Peter Breen. His family was from Goldfield.*

He was a D.A. I was personally closer to Peter Breen than any of them. I had a personal relationship with Peter. He came down here a lot. I had him and Mrs. Breen to my home many times for dinner. I never was through Tonopah that I didn't stop and see him. Many times, I would stop and have dinner. He was a tremendously fine judge.

*Did his father practice law in Goldfield, in that area? The Breen family is quite old in Nevada, I think.*

I'm sure that they are an old family but I don't whether his father practiced law or not. His son is judge in Reno.

*That's his son?*

I understand he inherited his dad's fine judgment.

*Long time Nevada family, I know that.*

Yeah, I know that.

*Here's one: John Jay Casey [87 Nev. 413 (1971)], fraud, and larceny of livestock. This is another one of your Tonopah cases.*

I had rustler cases around. Kenneth Mann was the judge. Beko was the D.A. [silence] He butchered these cows inside the fence of his uncle's ranch! Present counsel did not represent him at the trial in the court below. Just on appeal. [Nevada Supreme Court Justice Al] Gunderson defends them? I don't know what to tell you—there was a brilliant man. Brilliant man. I think that's why he had a lot of trouble that he had. As a member of the supreme court, he was so much smarter than all the rest of them.

*Did you have dealings with Al Gunderson before he went on the bench, when he was a practicing lawyer in Las Vegas?*

No. I know that he would watch me try cases. Not just one or two, but I noticed he was in the courtroom a lot when I would try cases. But, as far as any personal relationship with him, I never had that. When he first started, I don't think he missed a trial of mine for two years. I didn't know him at all except I knew who he was. I says, "Al, don't you have anything else to do?" I could never sit and watch somebody else try a lawsuit. I'd go crazy. Why is he doing this, why don't he do this?

*He just started practicing?*

Yeah. That was a tough thing for me on the bench.

*Watch someone else try one?*

Yeah.

*Was it hard to keep your mouth shut?*

Yeah. Yeah. I did though. I was a lot better than I thought I would be. I can't say the lawyer's name, but he was a terrible lawyer.

Somebody was, I don't know who it was, a good lawyer representing an insurance company. This guy had a good case and he wasn't prepared. I can't think of the lawyer or who the insurance company was, but he got so angry. I called them up to the bench and I said, "you should be disbarred. You're the worst damn lawyer that's ever been in my court. I don't know who the worst lawyer in America is, but you'll be a close second." I said, "This woman's hired you and she expected, and should, get her money's worth." I said, "I'll tell you what I'm going to do. You're not going to like this. What I'm going to do, I'm going to continue this case for two weeks and two weeks from now you better know your goddamned case from top to bottom." So I did. The lawyer for the insurance company, I can't remember who he was, he was a good lawyer and a nice guy. He followed me into chambers and he said "This is just not right." I said, "Well, I tell you what you do. There's a court called the Ninth Circuit Court of Appeals go back to your office and start the process." Well, by golly, he came back and he was right on top of his case. He tried it. He did a helluva good job and he got a verdict. I don't remember what it was. It didn't break the bank, but the woman got a pretty good deal. She was right. It was a good verdict. I sent the jury home; excused the jury. He said, "Can I approach the bench?" and I said, "Yes." He said "I improved, didn't I, your Honor?" I said, "You're about tenth or twelfth now. You're no longer second."

*You got to be friendly with Gunderson once he got on the bench, I assume.*

Yeah. Yeah. I knew him when he was practicing law down here in Vegas, but I was never anywhere with him or associated with him in any way, any cases. I've never been to

lunch with him like I do some other lawyers, but I had tremendous respect for him.

*He was practicing with Sam Lionel for a while, wasn't he?*

Yes he was.

*Did you have dealings with Sam Lionel?*

Oh yeah! Through the years, I had a friendly relationship with Sam. I've always considered Sam a friend. I've also had a lot of respect for him, tremendous respect for him. He's a lawyer who set out to build a law firm and you would be a witness to how tough that is. Worked hard for his clients. I think Sam started out with an attorney by the name of Ralli. Paul Ralli. Paul was a very, I started to say common, but I don't think that's the word—popular. He was a very popular lawyer.

*As I understand it, Sam was quite active in trial work in their earlier days.*

Yes, he was. Oh, I've tried cases against Sam.

*In fact, I think Sam tried a case within the last couple of years. He still actively practices law. I think he's close to your age, isn't he?*

I think he's a couple of years younger than I am. I would say that I'm probably five years older than he is because I remember when he passed the bar and he went into Paul Ralli's office, that I had been practicing law several years. I would say Sam is between seventy-five and eighty. Sam was a scrapper. He was a fighter in the courtroom. His jury appeal had a lot to be desired. I never considered him to be a sensational trial lawyer. He's adequate, a good lawyer though.

*Did a lot of business type of work?*

Oh yeah. Oh yeah. There's nothing wrong with what I'm about to say, Sam always was focused on the dollar. He had a good judgment of knowing where the money was. His good judgment put him in the position to catch some of it. I don't think Sam ever took a case for the justice of the cause. There's nothing wrong with that. I don't mean it derogatory.

*You were practicing when he formed the law partnership with Grant Sawyer and Jon Collins, weren't you?*

Yeah. That's not the only one.

*There was Al Wortman, I think?*

And another one, the judge they brought down from Elko, Taylor Wines.

*He was with them?*

Yeah. The original firm, he was in it.

*Oh, I didn't realize that. That was the first time, I think, from what I understand, that someone tried to put together a politically strong firm in the state.*

No. No. I don't think so. That firm was put together for a reason—a Martindale-Hubbell rating. That's why it was put together. Put together with all judges—all judges in the limelight. Then as quick as they got the rating, they kicked Wines and Wortman out. He kept Collins because he wanted, I guess probably, to maintain the rating, I don't know. Collins tried all the cases right at first. Grant was busy with the gaming interests of everybody. Grant is there because, at the time, he was out of the

[governor's] office. [All the members] on the gaming control board, and the commission was all his appointees. Grant represented all the gaming interests. So, as I said, he always focused on that dollar out there. It paid off. You gotta respect him for it. What the hell, I guess I'm the only one around in those days that had a strong *pro bono* clientele and a profitable clientele at the same time. But, I can't really say that all my *pro bono* clients were because I was concerned with the justice of the cause. A lot of them were. I'd see a case and I figured the poor devil was getting screwed by the system. I've done this twenty-five times. Just walked into the courtroom and said to the judge, "I represent this man" before I even talked to him. Yeah, I've done that. You know the Petersons that owned the thing down there?

*Westward Ho?*

Yeah, Westward Ho. Their mother was down in justice court after they first came here. The judge was browbeating the shit out of her and she had no lawyer. I walked over and spoke to her. I said to the judge, "She is now my client." I said, "I consider that my client is being brow-beaten by you. It has ended now, at this moment." I looked at my watch and I remember it was eleven something in the morning. I said, "It has ended now at 11:15 and whatever date it was. And you can write that on your calendar, your honor."

*That was before Mrs. Peterson and her family went on to become prominent.*

Oh yeah. Oh yeah. She never forgot that. She never forgot that.

*Did you represent them over the years?*

No.

*That was the only time?*

That was a one-shot deal. [laughter]. She never forgot it though. Every Christmas, I'd get the damndest fruit basket you ever saw from her. Always the same thing, "I am so grateful to you."

*Here's one. Stella Betinen Buettner [89 Nev. 39 (1973)]. Had an ante-nuptial agreement. Was there anything to that?*

Becky Binion's husband's mother. Yeah. Nick Betinen's mother.

*Nick Betinen. OK, that was her middle name in the pleading. Let's see. Paul Carelli was involved. Were you involved in this case at the trial level or just on the appeal?*

Trial level.

*You appealed. Then it was reversed.*

Yeah. It was reversed in the supreme court.

*Let's see. Here's one: Brad Simon Babich also known as Brad Gentry and Robert B. Gentry [89 Nev. 474 (1973)].*

This kid was a Las Vegas boy. He was going to the University of Nevada in Reno. As I recall, there's five of them involved. They were kicking things around in the dormitory rooms and they decided to take their Christmas holiday and get into the drug business. One of the boys knew a guy who was a friend of his who had a plane. They got in contact with him, the early part of December. Christmas had not arrived and neither had the Christmas holidays, but they get a hold of him and

everything's firmed up. They take his plane, he's going to fly the plane, and the other guys start talking to people they know. I guess they finally found where they could buy the pot. One of the guys and my client are going to fly to Mexico with their money that they'd all contributed, really a lot of money. They get down to Mexico and they buy twenty-three big sacks of marijuana. They found out in order to beat the DEA's radar system that they had to fly real low. They flew back through canyons, back to Nevada.

Now, one of the fine student's job was to be on top of a mountain with a strobe light. When he hears the plane coming in, he is to flash the strobe light and they would land in this valley, which had an appropriate name—Grass Valley. Honest to God, that's the name of the valley. Well, he heard a plane. He was sitting on top of the mountain and he grabbed the light and he dropped it! It went down the mountain and landed in a crevice and he couldn't get to it. At that time, the plane was very, very close and it crashed into Grass Valley. That was going to be the landing place. Two other of the fine students each had rented four-wheel drive pick-up trucks. They were parked in various places and they were to drive down to the plane, load up the marijuana in it and they were going to take it into a pre-appointed place—the guy's going to fly his plane back down to California. The plane crashed. Babich was seriously injured. The other fine student wasn't hurt. The guys in the truck rushed down and they had to take Babich to the hospital. The other guy, the pilot, was somewhat injured. The plane was in such a state of wreckage it would never fly again. One guy took the truck and they took Babich and the pilot to the hospital. Left them with only one truck. One trunk went down with a camper on the back. It was a half-ton truck. He took all the marijuana in his truck—



twenty-three sacks! He was in such a hurry to get out of Grass Valley that he ran into and mired down, in the only spring in that county. [laughter] It was a doom day for these boys. It was a doom day.

When it got daylight, he couldn't get his truck out, so he walked out. Lo and behold, there was a camp sheep counter. They heard the plane come in and heard it crash. Saw the trucks with lights on down there. He called his boss the next morning and he said, "I don't know what's going on, but I'm going to walk down there and see what's going on." He walked down to the truck and I guess he found enough evidence that he knew what was going on. His boss called the DEA and so they wind up eventually all getting indicted. One of the fine students broke his badge of secrecy and he spilled his guts. He got out of it and he was never tried. Babich was tried and the family hired me. Another one of the boys hired Oscar Goodman. Now, we wind up with only three of them indicted, I think, let me see this. Does it say three or just Babich? Just Babich. I see that Doug Crosby joined me for Johnson. Fletcher was the co-conspirator that became the accomplice. God Almighty, what an interesting case it was! This young kid right out of law school named George [Lohse].

Anyways, young lawyer right out of law school, he was representing one of the students. We're up in my room. Oscar and I had met every night to figure whether we had work to do that night or not. So, we're going to meet up in my room [to talk about] the cross-examination of the accomplice. I said, "I'm not trying to hog this case but I've got . . .," and he was the one that drove the truck into the spring. The accomplice, the guy that ratted on the rest of them. I said, "Tomorrow, they're going to try to introduce

all those sacks of marijuana and rest." I said, "If we keep the marijuana out, we win." I said, "While I have tremendous respect for you, I'm going to ask you to let me cross-examine him tomorrow. When I get through, none of you ask a single question." Oscar jumped up and he said, "Amen! We're in." He turned to Crosby and the other guy and whoever's on the case. He said, "None of you. None of you ask a damn question. Is that agreed?" They said, "Yes." Well, I cross-examined the guy and I got exactly what I wanted. I took him through it. Coolidge District versus United States. It did come down and I took. . . . I said, "OK, here." I took him right straight through it. I said, "Now, what did you do when you ran into the spring?" He said, "Well, I got out and I knew that I had been trying to get the truck out for some time and saw I couldn't." He said, "I walked into this ranch and called for help." I said, "Before help got there then, DEA officers arrived. Is that correct?" He said, "Yes." I said, "When you left the truck, did you lock it before you left?" He said, "Yes." I said, "Where was the marijuana? Was it in the cab?" I knew it wasn't. "Or was it in the back of the truck? Inside the camper?" He said, "Inside the camper." I said, "I understand the camper had curtains on the windows of each side of the camper?" He said, "Yes, it did." I said, "Was the back door locked?" I said, "Otherwise, you couldn't see inside, what was in the camper, from the outside." He said, "Oh no, of course not." Well, when I got that, I stopped. I sat down. Judge [Bruce] Thompson said, "Any questions, Mr. Goodman?" Down the line.

This young lawyer, after agreeing not to say a word, got up. He said, "Yes, I have one question." During direct examination, he had mentioned a hammer and nails. He went to the microphone and says, "I'm just curious. You mentioned you had a hammer and some

nails. Where did you get a hammer and nails?" He stopped somewhere and got a hammer and nails. "What did you have a hammer and nails for?" He said, "Because the back end of the truck kept falling off and I had to get out on the highway and put it back and nail it back." I said, "I'll kill the son of a bitch when we get out of here." I knew what was coming. I know he never did. I said to Oscar, "Oh boy. Here we going to come with DEA agents and they're going to say, we walked up to the truck, we found the back end laying out there in the valley and we looked in there and in plain view was all this marijuana." Exactly what happened—plain view. "Now, when you first saw the truck, would you explain to the ladies and gentlemen, where it was." "It was out there and it was mired in the springs." "Tell me, would you describe the truck." "Well, as we walked up, we found the door laying out there in the desert and we looked in there and we saw all these sacks. We smelled an odor which we knew was the odor of marijuana." "How would you know that?" "That's my business. I'm a drug enforcement agent. We're schooled in detecting the odor of various drugs." He said, "Ballgame." I was so sick. I was so mad. He walked up after at the noon recess.

*Was this the young lawyer?*

Yeah. He said, "Where we going to eat?" I said, "Well, unless I change my mind, you're going to have a hard time eating because I'm going to beat the shit out of you in about fifteen minutes." I never laid a hand on him.

*That was the end of that trial, huh?*

Oh yeah. They got convicted. If he hadn't said a word, they wouldn't have gotten convicted.

*Where does that young lawyer practice—down here or up in Reno?*

Up in Reno. He's George Lohse's boy. I think George is dead. His name is Lohse. I knew his dad, George.

*This was in Austin? Did you try this case in Austin?*

No, in Reno.

*Who was the trial judge?*

Judge Thompson. Bruce Thompson.

*Bruce Thompson. Oh, federal court.*

Yeah. I never will forget it. Some young guys were on the jury and it took them a long time. I don't know how long they were out but I thought maybe I had, at least, a hung jury. But not so. The deputy sheriff had a map and he was showing everybody where the truck was, where the plane was. Not really to make a pun or a humorous remark, the United States Attorney said, "Now, was this in whatever county it was." Said, "Yes." He said, "And what is that area called?" He said, "Grass Valley." Like that. I couldn't keep from laughing.

*Where is Grass Valley?*

It's in Washoe County—north of Reno, thirty or forty miles, maybe, from Reno. I don't think he ever recovered the crashed plane. I saw pictures of it and I don't know how anybody, how any of the three, lived. I guess, the pot saved their life.

*Cushioned them?*

Yeah. Yeah. It went end over end. I think what happened was that all the pot came down and completely covered them and took the shock..

*Was it a makeshift airfield?*

No airfield at all. It was just a valley between some mountains, unfortunately with a spring.

*Did the kids go to jail? Prison?*

Fortunately for them, this was before they had the [mandatory] sentences where they had to go to prison. Babich got nine months in the county jail because he was one of the ringleaders. I think the rest of them got six months. I know, that he picked a time, like the tenth of June, until September. He worked it some way where it wasn't quite six months because it wouldn't interfere with their schooling.

*He sent them back to school?*

Yeah, he did that.

*I wonder if those kids graduated?*

Yeah. I know Babich did. I don't know what business he's in, but he's graduated from college and he's done very well. I'm sure the other boys have too. We had a deal. From the very beginning, we had a deal for six months. Jumped at it. The D.A. wouldn't agree to it. They wanted the whole bit. Babich was a hell of an athlete up there.

*The reason I was asking if it was Austin because in this pleading, this is in the supreme court, and it was a sheriff in Lander County.*

That's the county. Lander.

*But the case was tried in Reno?*

We tried it in Reno in federal court. Any drug case has federal jurisdiction. They have to offer the federals the first shot at it. If they don't want to try it, they call the D.A. and say, "You can try this one."

*When you first started practicing, there were not a lot of drug cases.*

No.

*What impact has all the illegal drugs had upon the criminal law practice?*

Well, I think it made a lot of lawyers rich, let's put it that way. I would say at one time, and probably in the federal courts when I was on the bench, I'd say at least one-third of all the criminal cases were those cases. At least a third. Maybe more, who knows.

*I guess up until the time that the drug cases started coming in, a typical criminal defendant had no money.*

No.

*This was the first wave of criminal defendants that had a way of paying a fee, I would say.*

If they were successful in the crime, by the time they were indicted and go to court, they spent it all. They had no money. It was all spent. If it wasn't a crime where the fruits of the crime was a lot of money, they didn't have anything anyway.

*I suspect some of the drug dealers, even if they were arrested, they still had their business going while they were in and out of custody, so the flow of money continued.*

And a lot of them still had it going while they were in custody. It's not unusual for them to be operating their business from inside of the jail, still. For the whole term! But unfortunately, a lot of times the guards know it. They know.

*Well, this gives criminal work a whole different look.*

Oh, yeah. I know a guy who was a bookie and wound up in federal prison. He was assigned a job at an airbase. There's a lot of federal correctional institutes around airbases in the country. He had some job in the airbase and he was using the airbase phones and booking right out of some colonel's office. Can you believe that? That was honest to God truth. I knew it was a fact.

*Most work ever done at that office?*

Sure. There's some money transactions that went down in the colonel's office.

*[Charley King] was an executive in a casino. He was having an affair with his married secretary. Her husband found out about it, and he admitted to the affair, and the question was about the amount of damages. Does that sound familiar?*

He was one of the owners of the Golden Nugget back before Steve Wynn bought it. Charlie took this girl out, his secretary, to the El Rancho [Hotel] on six different occasions. They had sex. Her husband found out about it. He sued Charlie. We had a statute prohibiting lawsuits for breach of promise and alienation of affections. He hired John Mendoza. John Mendoza was a very enterprising lawyer. He filed suit under the English Common Law. Our Constitution had adopted the English

Common Law. It went to trial. From the very beginning, I knew that it was a framed up deal between he and his wife, because he got a divorce. I kept telling Charlie, "We're going to take her deposition." "No, no, no. She's a nice person and I got her into a lot of trouble. Don't do that." I said, "Well, she's going to show up as a witness for him." "No, she won't do that. No." I finally said, "Well, I won't take her deposition then. But I know goddamn well, Charlie. I'm going to tell you right now—she'll show up as a witness for him." She did and she relayed the circumstances of all six cases and the times. She had it all down. I kept saying to Charlie before, "You better let me take her deposition because she's going to show up as a witness. She's in this thing with him. The divorce is canned. You wait and see." He said, "No, no, no." Well, he damn near died when she did show up. Anyway, he got a \$600 judgment.

[Judge] George Marshall was sitting on the case. Mendoza, in his closing arguments, for ten minutes, talked about how King dishonored him. In my closing argument, I said, "The Plaintiff has talked about being dishonored. He wants to put a dollar and cent value on his dishonor. In the first place, when you consider the proposition of dishonor in this case, before you can find that he was dishonored by Mr. King, you gotta determine how much honor he had before this." I said, "I'm going to admit, Mr. King and his secretary went out and they had sexual intercourse at the El Rancho on six different occasions. His secretary was truthful about this. Now, she's a nice person. She went willing. She wasn't forced. She wasn't threatened by loss of job if she didn't go, and apparently, she enjoyed it or she wouldn't have willingly gone the second time.

Now, she's not a professional. They tell me, you all know, everybody in town knows that there are fifty prostitutes working the streets of

the strip every night.” I said, “I understand, and I don’t think Mr. Mendoza is going to dispute me, but the going price for sexual intercourse with a prostitute is a hundred dollars. That price is fixed among the prostitutes. His wife is definitely not a prostitute. She’s not a professional. I’m going to be generous. Even though she is not a professional, I figure Mr. King does owe the Plaintiff \$600.” The jury went out and came in with a verdict of \$600. [laughter] I thought George Marshall was going to fall off of the bench when I said that. Well, his wife showed up the second day of the trial—Charlie’s wife. [laughter] At noon, we went over to the Nugget and had lunch. I asked her not to go back. She said, “OK.” But then the next day, we went to lunch at the Nugget and she showed up to have lunch with us. She said, “Well, how’s things going for the man with the golden prick?” [laughter]

*What year do you think this was?*

I’d say, in the sixties. I guess, around ’65?

*You’ve had some pretty good verdicts, but that was probably one of the best.*

[laughter] That was a good one!

*How long was Bill Morse on the bench?*

Not long. He was appointed and then, I think, he didn’t run for reelection.

*He didn’t like it, I guess.*

I guess not. I know that’s the way it was. I first thought maybe he was defeated, but he never ran.

*I recall you talking about Harold Morse as being a very prominent trial lawyer when you*

*first started. William Morse is his son. Then there was a Harold Morse—.*

Then there’s a Harold Morse. This is Bill’s son, Harold Morse’s grandson.

*It’s a good legacy of trial lawyers.*

Oh, yeah. I don’t know about Harold, the grandson, but I do know about his dad and his granddad. His granddad, I always said, may have been the best trial lawyer I have ever seen. I tried a lot of cases against him. Civil cases and criminal cases—he’s a guy who could try any kind of case. Great lawyer. Man, was he a great trial lawyer! I beat him in most of the cases I had against him. I don’t know how, but I did. In fact, I don’t know how I won half the cases I won.

*Was Bill a good trial lawyer—an active trial lawyer?*

I don’t think so. He was a good lawyer but he wasn’t a tremendous power out here at all.

*Was he more of a business lawyer?*

Yes he was, a goddamn good lawyer and a good man.

*Did he at one time represent Howard Hughes or was his partner?*

Yes. I seem to recall that he was partners with Joe Foley. That was during the Hughes thing.

*Joe Foley represented Hughes?*

Yeah. They both did.

*I thought that Tom Bell represented him.*



Tom and Bill Morris. Tom and Bill Morris, when he first came here. Tom became his political advisor and handled all of his campaign donations. Tom made a lot of money for Hughes. Tom died not long ago. Had a little alcohol problem in the late years. Bell & Morris was something to worry about if you went to trial. They could try a case. You didn't take them lightly, I'll tell you that.

*Wasn't Tom's brother a sheriff or under-sheriff?*

Lloyd. Yeah. Lloyd lives out at Lake Las Vegas. He was the under-sheriff under Ralph Lamb. In other words, the under-sheriff ran the sheriff's department.

*In Tom Bell's obituary, it talked about some of his past legal experiences and it did talk about his Hughes representation. Apparently, he often said, "That was the best client I ever had. I'm still looking for another Hughes type of a client."*

I was very close to Tom and Bill Morris. We were in a group that socialized together a lot. O'Donnell, the Foleys, Tom Bell and Bill Morris. I loved Bill Morris. He was probably the best football player that the University of Nevada, Reno ever had.

*That's "Wildcat" Morris?*

"Wildcat" Morris!

*Tom Bell was a local guy. Didn't he go to high school here?*

Yeah. Both of them did.

*I also think that there was a football team, it may have been in the late forties, that was in "Ripley's Believe It Or Not," that they did not*

*give a first down, or only one first down during the entire season. Do you recall that story?*

I heard about it. I heard people talk about it. I never read the story and I don't know whether it's anything or not. I guess it is. But, I've heard the same story—that they didn't give up a first down in the whole game. Zero first downs.

*I think Mendoza was on that team.*

He was on that team.

*Bell, I believe.*

Leavitt.

*Leavitt. Which Leavitt was that?*

Myron. He was a terrific football player.

*Was he? I wonder if he played at the University of Nevada?*

I don't know.

*Earl Gripentrog. You've known Earl Gripentrog for years, I assume. Was he ever in private practice or was he always the city attorney?*

Yes he did. He got into some difficulty. I don't recall what it was. He got fired from the D.A. Something. I don't know what it was. He went into private practice and handled some criminal cases. Hell, I guess he died. I don't know.

*I remember he was a very good softball fast-pitch pitcher. He was on many teams around here.*

Oh, he was the guy to get if you wanted a good team. I know he was a hell of a pitcher. I know that.

*Here's one we briefly talked about but we'll get into it a little bit more, a person by the name of Franklin D. Vipperman. He had published something that is online. Apparently, you represented him and he's not very flattering towards you.*

Oh, he hated me. Oh, yeah. This guy's crazy, I mean, he's insane. There's no question about it. I didn't represent him very long. His two brothers came in to see me and hired me. I very seldom went to jail to talk to a client. I sent some lawyer who was working for me and they would report back to me, generally by memorandum. But, I always went for the first visit, so the client could know me and I could know him. I came away and I told Jim [Brown], "This guy's going to be the worst guy I represent that we've ever had in our office. I just hope that we can get through it without having some trouble. We're going to have to be very careful, very careful. You understand that, Jim?" He said, "Yeah." Jim came into the office one day nearly crying. This guy cussed him out, cursing me and saying he's going to get rid of me. He was mad because he handed me a list of witnesses and, at the preliminary hearing, I didn't call any of them. I rested at the end of their case. He blew his top! He is cursing me in the courtroom at the end of the preliminary, at the top of his voice. He demanded to know why I didn't call the witnesses. Good criminal lawyers do not call witnesses in the preliminary hearing. You do not give the state all the time to work on them between the preliminary hearing and the trial. You're stuck with your defense if you put them on and that's the last thing you want them to know. You don't call any witnesses. Standard practice!

I could not make him understand that. "We would have won it right here!" I kept telling him, "All they have to show here, Frank,

is probable cause. They don't have to prove you're guilty. You can put all your witnesses on and show your defense, you're still bound over [to district court]." Goddamn it, he just went crazy. Jim comes back from visiting him. According to Jim, it was very awkward. So, Jim comes back and he said, "He demands to see you." I guess he called Jimmy a dummy and some other names. It got very abusive. I went over to see him, I said, "OK, you wanna see me? I'm here." He started cursing me and I said, "Hold it. I'm withdrawing from your goddamn case. Now, get a hold of your brothers, tell them come in and get their money back and I'm withdrawing. I won't be able to put up with you during the time it's going to take to go to a trial." I got out. Withdrew. Gave the brothers back their fee, every bit of it. These guys went and hired [Jeff] Sobel. Browbeat the shit out of Sobel. Sobel got a second-degree verdict for him

*What was the charge against him?*

First-degree murder. I don't think there's any question that he killed him. He shot his partner in the business. He ran a used-car lot. When the police arrested him, he had the shotgun in the car. He had been quarreling and fighting with his partner. Despite that, Sobel got a second-degree on it. I called him up and congratulated him. He insisted on taking an appeal. Sobel did. I didn't talk to Sobel about it but when I found out he took an appeal in the case, I thought, "Boy, this is a grave mistake." Because if they reverse it, he's liable to get life. The supreme court *did* reverse it and they tried it a second time. Some errors in the case, I think in the instructions. Retried it. Again, the jury convicted him of second-degree murder. I thought he did two tremendous jobs. Of course, I never read the transcript. I read one

article. It was about me – a little bit was about me and a little bit about Sobel. Somebody sent it to me. But, I understand that nearly all the articles that he was writing, was criticizing Sobel. Pointing out all the mistakes he made during the trial. The article that I got, he said he fired me. Bullshit. He didn't fire me. I beat him to it. I was happy to get out of there.

*Sometimes, the best cases that you have are the ones you don't take in the first place.*

That's right. If you're in the criminal law business, you take a lot of them. You wish to hell you could get out and couldn't. Afterwards, never wanted to hear about the case again. He was the worst client I ever had. I never had any trouble with clients. I worked well with all of them, even some of them I thought were insane or slightly insane. I never could figure out this guy. Most guys don't go after their lawyers during the trial—especially good lawyers who know what they're about and have a pretty good record of getting results. The clients generally respect that. They work well with them. I can truthfully say he was the only client that I ever had that I didn't work well with. But, in the article that I received, he said in there, he was over there and his two brothers were present. He said to me, "I know how you work. You murder people." He accused me of murdering people; that I was tied in with the D.A. and tied in with the city cops. That I had people killed—people killed in the penitentiary. He's crazy! You can sue him and take everything he has but he don't have anything.

*Here's one entitled, John William Hicks and John Branch [89 Nev. 78 (1973)]. Indicted for murder and attempted murder. Do those names sound familiar?*

Oh, I'm familiar with that case. John Hicks was the son of Marion Hicks, who owned the Thunderbird Hotel. There was a golfer, by the name of [Robert] Murphy. He could beat any pro in the business, but, he was a gambler, a golfing gambler. He played people for money. I bet he took a million dollars from [Jay] Sarno over the years. Sarno had an obsession for beating him. He couldn't. Can you imagine a guy not turning pro that was that good? Murphy and Hicks and Branch. John Branch. They ran around together. They had a beef with a floor man of the Horseshoe. They went out to his house and was going to kill him. Apparently, Hicks was going to do the killing. He was going shoot him. He had a shotgun. All three walked up on the porch and rang the doorbell. The guy came to the door, but, he was having trouble with them and he had armed himself for anybody who came to the door. He took his pistol with him. He opened the door and Hicks started to point the gun and shoot him. The guy shot Branch and killed him. Who was the other defendant in the case?

*It was just the two—John Hicks and John Branch?*

No, he killed Murphy. Murphy was the one that got killed. So, they charge Hicks and Branch with murder, alleging that they were co-conspirators to kill this guy. Therefore, they were co-conspirators in assault and attempt to kill. They were in the progress of a felonious act when their fellow conspirator got killed. They were acquitted.

*How old were these guys at the time?*

All of them about thirty-two years old; I don't know what happened. I don't know

how I got to supreme court. *Habeas corpus*, I know that. [silence] Yeah. Babcock was the judge, fortunately for me because he was knowledgeable.

*Did that go to a jury trial?*

No. I filed a motion to dismiss in district court. Babcock granted it. The D.A. appealed to the supreme court. That's what we're looking at here. Murder and attempted murder. They were charged with murder and attempted murder. Those were dismissed in district court. There were two other counts of burglary and a conspiracy to commit burglary. Couldn't have happened. No way. Anyway, they walked away free—rightfully so.

*Was John Hicks in a lot of trouble over the years?*

Oh yeah.

*Son of a rich father—whatever became of him?*

He was murdered.

*Did they ever find out who did that?*

No, but I know. The guy who did it was a very prominent gangster in Las Vegas.

*Is he still around?*

No.

*Who was it?*

He and his brother got beaten together to death in the fields somewhere near Chicago.

*OK. What was his involvement with them?*

They were both going with the same woman. Hicks beat her up. The other guy killed him.

*Running in pretty fast company then?*

But he was in trouble, about everything.

*Did he work? Did he have a job?*

Yeah, he worked. He worked awhile at the Horseshoe. I guess he was a good employee. He was some kind of mean bastard. Finest mother and father you ever saw—his mother, just a wonderful lady.

*How old was he when he was murdered?*

Only a couple of years after this happened.

*Was it? What about the other fellow—Branch? Did you ever run into him again?*

Never. After this was over, I never saw him again. I don't know where the hell he is.

*Marion Hicks is dead, isn't he?*

Oh yeah.

*Did he stay in Las Vegas the whole time until he died?*

Yeah. I represented the Thunderbird. Marion hired me. One of the only cases, I think, that anybody ever won against the tax commission. They revoked their license. I think I told you that story.

*Anything else about this case with John Hicks?*

No. That's it. But I knew Murphy real well. I knew Hicks real well because I knew

the Hicks' family. The first time, I guess, he ever came here. The Hicks family and the Binion family were very close. Still are, those that are left of them. They're fine people.

*Is there any member of the Hicks family that's still in gaming?*

No.

*Well, here's one I'm know you're going to remember. Review-Journal, March 14, 1974, headline: "Claiborne to be Linda's Mouthpiece." [laughter] You remember that one?*

Oh God. Yeah, I do remember!

*This, of course, has to do with Linda Lovelace, who was the top pornography star at the time.*

"Deep Throat." I want to tell you something. This woman! When her manager called me and I went to jail to see her, I was shocked. I was expecting to see a crude individual. She was the sweetest person. I couldn't believe it. Absolutely dumbfounded about the charges. It was real. Goddamn, what a shock it was to me. I had seen "Deep Throat." I had taken Jim Brown one day during work hours to see "Deep Throat." Jim couldn't watch it all. He hung his head and put his head on his arms. I gotta admit, I enjoyed every minute of it. [laughter] She really, really didn't know [that the heroin was in her room]. I know that's true. She's such a nice person. She was charged with possession of heroin. She was at the Frontier Hotel and the maid, making up the bed, saw the heroin. She didn't even use it. Her manager did. He was a real asshole, but, they charged her because she had registered in the room.

*Was that David Winters?*

Yeah.

*So, did they arrest both of them?*

Just her. As I recall, they just charged her. It was her room. We won. She was dismissed at the preliminary hearing. Yeah. That's one case I did call on witnesses.

*One of the things that is interesting from this article is that her Los Angeles attorney was Robert Shapiro. Of course, he became famous later on for the O. J. Simpson case. How did you become acquainted with Shapiro?*

The manager told me that Shapiro was their Los Angeles lawyer. They didn't say work with him. They said talk to him. I called him. Then, he came to Vegas and we went over the case together. He planned to join me if the case went to trial, but, it wasn't necessary.

*You had never had prior dealings with Shapiro then?*

No.

*Did you have dealings with him after this?*

No. It was a one-shot deal.

*Did you have any dealings with Linda Lovelace after this?*

No. But, I didn't lose contact with her because she occasionally called me through the years. I guess she called me, maybe, four or five times after that. She was really, really the nicest person. But, she was so dumb. She was so dumb. I really felt sorry for her. If there ever was a human being that was taken advantage of, it was Linda Lovelace. As I remember, she only got \$200 out of "Deep Throat."



*Says in here that the justice of the peace was Robert Legakes. He died of Lou Gehrig's disease.*

Yeah. That's too bad. He was a nice man.

*He was a justice of the peace. Then, he went on to become district court judge.*

He was a good judge.

*Did you have a lot of dealings with him?*

Yeah. He was a good judge.

*In this article, it's interesting. It says, "Ms. Lovelace again received VIP treatment by the district attorney's office when her case was called first. At least one attorney appeared miffed because the cases are usually placed in order as the attorneys arrive for the arraignment." [laughter] VIPs come in all sizes and shapes, I guess.*

And engage in all kinds of occupations!  
[laughter]

*Here's a case: Cliff Raymond Cline v. the Clark County Liquor and Gaming Licensing Board. The liquor board revoked his liquor license of Cline who operated the Playhouse Lounge on the Strip. Do you recall that [91 Nev. 303 (1975)]?*

I knew all about it before you started reading. It was one of [Al] Gunderson's cases that he talks about the most. When I made an appearance in the supreme court, the supreme court had invited the senior class of McGeorge Law School there. Obviously, my appearance in the supreme court that day and my case did not just happen because of a random selection by the supreme court. I was convinced of this. Anyway, when I

got in there and I saw all these people—the courtroom was small, they were standing with their backs to the wall—I made up my mind. I said, "Shit. I'll give them something they'll never forget." [laughter] Well, the police had on this occasion, which helped my case tremendously, had gone in there, some detective or a police officer. There were five whores in there sitting at the bar, they claimed. Well, they revoked their license. Well, forget it. After I won at the supreme court, they put up on their marquee a great big sign. Claiborne's a pretty goddamn long name. "Harry Claiborne for President!" [laughter] People walked down that street thinking, "Who the hell is Harry Claiborne?" Goddamn thing stayed up there a week. I mean, a huge sign! I got a picture of it. Somebody took a picture of it and gave it to me. I didn't send anybody out there to take the picture! But, I drove out and looked. Big sign. Electrical sign: "Harry Claiborne for President!"

*Thought your political career would be resurrected, huh?*

Oh, yeah. Jesus Christ! Anyway, I went to the supreme court with it. Then, I got up to argue my case. I said, "Now, these five whores are walking down the street—"

*That's the way you started it?*

Yes! "These five whores were walking down the street." Gunderson began to smile. He knew it was going to be an enjoyable morning. I said, "As was customary. Minding their own business. But walking down the street to pick up and establish themselves at their place of employment, which was a street corner. Here comes the sheriff's prostitute squad in two cars—two carloads of cops.

They pull alongside the five whores. They recognized that the police was alongside them and they all began to run. The five whores ran into my client's bar. They figured that once they ran in there, the safest place to be was the men's room. That they would never look for a whore in a men's room. There was a farmer from Iowa visiting here. He was at the urinal relieving himself and five whores come running in on him. He turned around [laughter] and the police come flying into the room behind the five whores and they arrested him, evidently for indecent exposure." [laughter] Eventually, he was found not guilty in justice court. Got on the first mode of transportation he could find out of town and the last thing he said, "I'll never return to Las Vegas." I won! Even old [Justice Cameron] Batjer laughed.

*I'm going to make a record on this one because we talked about it last time. Ralph Engelstad. When you represented Homer L. Matheson and Margaret Matheson. It had to do with the sale of the Thunderbird Field. You got a verdict against him. He appealed. The verdict was affirmed [90 Nev. 204 (1974)]. And he never spoke to you since.*

Never. [laughter]

*And only spoke of you in derogatory terms.*

Oh, that's true! Boy, I could go up and down the strip and people would ask me, "What have you ever done to Ralph Engelstad?"

*We also talked about you going to Washington for the Rockefeller hearings. I'm just going to do this to get a date on it. That was reported in the R-J on November 14, 1974. Here's an interesting one. January 5, 1975, Review-*

*Journal headline: "Claiborne Speaks for Law School." We have a law school now and it's been in effect approximately four years, maybe five years. It probably had its first class in 1998, something like that. This is over twenty years before. Talk a little bit about the law school and your involvement and the efforts in it.*

I remember this distinctly now. Bucky Buchanan was a regent. I was not invited to appear. A committee of the legislature came down to Las Vegas. I knew that there were some proponents for a law school. Somewhere I was talking to Bucky Buchanan, I think in a restaurant or somewhere. I wasn't having lunch or dinner with him. I think we met in front of some restaurant. He mentioned to me that the legislature was meeting the next day. He was talking about it. I went back to my office. I went up to think about it. I thought, "Shit." I felt very strongly. I sat there. I was ashamed that they didn't have a law school. I was in the 1949 session of the legislature. I kinda played around with the establishment of a law school. Quickly, I talked, one day, to Jon Roberts who was a senator from Elko. I said, "Jesus, we ought to start us a law school in Nevada." He said, "We're too small a state and we don't have that kind of money to establish one and to establish one that is really acceptable to other law schools." He said, "In plain language, Harry, it would be a tragedy to have a half-ass law school. That's all we could have." I proposed to him, maybe, a dental school and a law school at the same time. I dropped it. But, it was always in my mind. I really was not part of the organization that began to urge the legislature to establish a law school. I just couldn't stay away. I went down, without an invitation and on my own and I'm sure not on the program. I got up and vented my feelings, which pleased Bucky very much.

*In this article, and again, this is twenty-eight years ago, the regents had approved the law school and put it in the budget to be present. So, at least the university was pushing it at that time. It was just a matter of funding, it sounds like. Here's a case and it has to do with a minor. It was decided June 12, 1975. It doesn't have a lot of identification. Does this mean anything to you [91 Nev. 399 (1975)]?*

[laughter] Dan Seaton's case! As I remember, six of them, five boys—one girl. They were all going to Gorman High School. They all cut class—one girl, five boys. They went over to this one boy's house. His dad had a good supply of wine and liquor. They listened to music and played the stereo. Popped popcorn and drank wine. Didn't drink any alcohol, which is surprising. They drank wine. One boy took the girl into the bedroom. They had intercourse. They came back and another boy took her in. Somebody in the office at Gorman lived in that area where they were. They cut school in the afternoon. At 4:00, they all came out of the house. She came home. She saw them all. She knew them all and the girl. Of course, they were all playing hooky. The truancy was made known to the parents, some kind of system that they had. The father found out—the father of the girl. He was a single parent raising her and her brother. He wouldn't believe her story and he took her to a doctor for the examination. The doctor told him she had had intercourse, recently. He took the girl down to the authorities, I don't remember where. They called the doctor. She got down there and gave them a statement that all five of them forced her. Gang rape. One of the kids was named Billy Pearson. They tried him in juvenile court? Yeah. They were declared delinquents. Put on probation. Pearson's father came and got me. I represented him at the trial. I appealed

it because I knew damn well it wasn't a rape. Never was a rape.

*The supreme court reversed the decision on it. Dan Seaton is a name that comes up pretty often at the D.A.'s office. Did you have a lot of dealings with Dan?*

Yeah. Dan Seaton was one tough cookie. Dan Seaton was a good lawyer. I don't think I ever lost to him, but he was a good lawyer, vicious, absolutely vicious. He wanted all the guys' blood. He went after the jugular, I'll you that. He stayed there. There's no give. No compromise. Anybody that was charged by the state with any kind of crime was a no-good, sorry son of a bitch who should be eliminated from the earth. [laughter]

*I see from time to time supreme court decisions reversing convictions for prosecutorial misconduct.*

That's because of closing arguments and a lot of other misconduct during the trial. I always turned it against him, turned it around.

*There was another lawyer in the district attorney's office that was pretty aggressive too. Bill Koot?*

Yeah! The only thing I would say—I always thought they were twins. One or the other got given to the parents of the other one. They either got left at the hospital—. [laughter]

*They had the same basic philosophy, I guess.*

Oh yeah, that's right. I guess that's the way prosecutors should be. Boy, I tell you, those lawyers sure complained about it all the time. The reasons some of these cases were reversed is because the judges didn't do their job.

Lawyers got out of line, especially in criminal cases. Prosecutors get out of line. The judge has an obligation that the defendant get a fair trial. If a guy [lawyer] is guilty of misconduct, the judge has to know it. If he doesn't call him down and admonish the jury, he's not doing his job. If he did his job, those cases would never go to the supreme court. Judges were scared to do it. They seemed intimidated by this kind of stuff. I don't know why. Mendoza, as mean as he was on the bench, he loved for an occasion to occur like that. That gave him a chance to browbeat hell out of the prosecutor. He was just waiting to browbeat somebody. If the lawyers did nothing wrong, he'd take after a witness. If he couldn't find something wrong with the witness, he'd take on a spectator. [laughter]

*Somebody was going to get it!*

Somebody was going to get it before the day was done!

*Mel Harmon was in the D.A.'s office for a long time too. Did you have cases with Mel Harmon?*

Yes, I did. Yes, I did. Mel was rather unique. He had a lot of my characteristics in trial. He sounded like a preacher. You would think it was "Brother Harmon" there. Of course, I used that pretty good, too. He also had that country boy accent with a little more twang than I had. He used it good, too, but with him, it was real.

*Yours wasn't?*

Not always. He was very effective with it. I think his finest quality was his work ethic. He worked hard on his cases. You didn't surprise him. Not all prosecutors have that trait. I used to say, by the time I got ready to

go to court, that I knew more about the case than the cops knew. That was generally true. He was the same way. He knew all about the case. You didn't surprise him with case law. He was familiar with nearly all the cases that applied—various points of evidence that he thought was coming up. He prepared his cases. That was the key. He was serious about his job. I like Mel Harmon. Always did. When you conferred with him, he was reasonable. He'd hear you out. If he thought you were right, he'd support it. He believed in the system. He wanted justice done. If it meant he had to join a defense attorney on something, he'd do it. He'd do it in a minute.

*He tried a lot of cases over the years, didn't he?*

Yes, he did. He was missed in that D.A.'s office, I'm sure.

*Here are three cases where you represented Nat Adler. [laughter] Who was Nat Adler [92 Nev. 436 (1976), 92 Nev. 641 (1976), 93 Nev. 521 (1977)]?*

Public administrator. Goddamn! It was the funniest thing in this world. I really got hooked. Nat Adler got represented by old Harry on the cuff. [laughter] Never paid me a quarter and kept putting me off. Did you ever know Adler? He weighed about 300 pounds. God, he was a mess. He really was. His office was a mess. But, he'd always say to me, case after case, "You know I'm good for it." The first time, I said, "Oh sure. I know that!" The second time, I said, "I don't know. Your record's not very good." The third time, I said, "Goddamn it. This is the last time, Adler!" [laughter]

*What did he get charged with? Was it malfeasance in office?*

Yeah. Let me see. [laughter] One, was failing to file reports and malfeasance—about a dozen charges. The second case was for obtaining money by false pretenses. The third case was extortion by public auction. I think he was convicted of all of them. I'm not sure. The one before the supreme court was denying a pretrial petition, a writ of *habeas corpus*. That case was failure to file reports with the county commission—inventory and all of that stuff. We won that case in trial court. This went up on a writ of *habeas corpus*. The second case was extortion—another writ of *habeas corpus* in the supreme court. The extortion case—we lost that. No, we won that case. The only one we lost was something about excessive fees. Maybe that's the third case. He was charging the county and, at the same time, charging the heirs. Collecting money from the heirs. Public administrator. [silence] Yeah, obtaining money under false pretenses that was “fee” cases.

*That was the one you lost on?*

Yeah, that was the one we lost on.

*Now, tell me what was it about Nat Adler. How'd you get involved with him?*

I was sitting in my office one day. I was reading some of the shit that they were charging him with—the first thing. He walks in. He sat down. “Have you been seeing in the paper what's happening to me?” I said, “Yeah.” I knew him, but not well. He said, “What do you think about it? It's all politics, Harry. What do you think about it?” I said, “Well, I don't know nothing about it.” He said, “Louie Weiner is my lawyer. I just wondered what you thought about this thing and what you'd do if you were in my shoes.” I said, “Why aren't

you talking to Louie about it?” He said, “Well, I'm a little tight for money.” He doesn't even talk to Louie about it. I said, “In other words, you haven't talked to Louie.” He said, “Yeah, I talked to him about it.” I said, “Well, is he under the impression that he's representing you?” He said, “Well, he represented me in a lot of other things.” He [Adler] was a real estate broker. Not a good one. But, boy I tell you, I know for a fact because I got into everything. We were talking to witnesses. What I was laughing about was, every witness we talked about in any of these things, backfired. None of them supported him. All of them. Hell, I would've called them if I was a prosecutor. [laughter] I don't think—not one of them supported him. I'd tell him that and he said, “That surprises me, Harry.” Time after time. I almost said, “That doesn't surprise me.” But it would always surprise him. I don't think he was really surprised.

*He wasn't a very attractive man, as I remember.*

Oh God, he was filthy, sloppy. During the trial, I smell something terrible. I thought, “Goddamn, something's dead around here.” I looked over and he was sitting at counsel's table with his shoes off. [laughter] Both shoes were off. Goddamn, did his feet stink!

*Did he go to jail as a result of that?*

No. They threw him out of office.

*Whatever became of him after this?*

He died, a very short time after that trial, after he was out of the office.

*For some reason, I remembered him telling someone that he went to a doctor who surgically*



*removed a lot of fat from him. Do you remember that?*

Yeah.

*I think that was after the trial, wasn't it?*

Yeah. I don't know what it was about, but he came in to get Ruby, my secretary, to notarize some papers. This was about, maybe, a year after the last court hearing. He had a lot of that fat, maybe 100 pounds, or something, cut off.

*Apparently, he died not too long after that.*

I think so, as I recall.

*Here's a newspaper article. R-J, January 18, 1976, and you were representing Jim Vernon and Pete Lamberes, who were Sparks councilmen. What was that about—bribery and perjury charges? Bribed by Joe Conforte and testifying falsely before the grand jury Conforte allegedly was giving these two guys bribes.*

They were city councilmen.

*There was a grand jury directed at these two people.*

Yeah.

*What became of that?*

They were convicted. Lamberes was. Vernon was acquitted and Lamberes was convicted.

*Did you try both of those?*

One case. They tried them together.

*Oh, tried them together? That was tried before Judge [James] Guinan?*

Yeah. Good judge. There is an article about this trial written by the *Reno-Gazette*. The headline in this article was, "The Grand Actor of the Judiciary Is At Work." [laughter]

*Referring to you?*

Yeah. This was right close to my last case I tried before I went on the bench. The courtroom was full of lawyers. Pete Echeverria. I remember what he said. When he was asked, "Why are there so many lawyers here?" Pete Echeverria said, "Well, I came because I wanted to see the master work one more time. His last time." The master finished fifty-fifty. [laughter]

*Was this the last case you tried before going on the bench?*

I don't know what the last one was.

*The Adler case was one of the last ones down here, wasn't it?*

Yeah.

*Here's another case that you might remember. Fred Leopel and James Arthur McCully. This was in Esmeralda County. It had to do with some narcotics. Marijuana. Says McCully placed an amount of marijuana in his seven-year old son's suitcase. Does that sound familiar [92 Nev. 126 (1976)]?*

Yeah. The son- of a bitch had a wreck. He had a camper. He had all this marijuana. His ten-year old son—they were on a trip.

When they had the wreck, he grabbed all the marijuana and put it in his son's suitcase. [laughter]

*The honorable thing to do! [laughter] So, you won that on the writ of habeas corpus?*

Insufficient evidence case.

*Justice prevailed again.*

Again!

*Here's a case where you represented Kermitt L. Waters. The case involved the Consumers League of Nevada. It was against Southwest Gas, the Public Service Commission, Titanium Metals. Apparently, this was before the Nevada Public Service Commission who ordered the Consumer League of Nevada to refund money to its consumers. It looks like just about every lawyer in Las Vegas was involved in it. Do you remember this case [94 Nev. 153 (1978)]?*

Yeah, I remember it. The only thing that makes any imprint on my mind about this case is that, Jesus Christ, I must have been involved in every case! If somebody asked me what my specialty was, I don't know what the hell I would say! [laughter] Actually, the only thing I remember—the core of this whole thing was that Southwest Gas charged fees for consumer's hookups. Their fees for hookups was actually regulated by the Public Service Commission. They were charging something like, double the approval hookup fees. Kermitt Waters has always been engaged in this consumer thing, somewhere along the line. He's something to deal with. I represented Kermitt in the hearings because Kermitt had a lot of trouble expressing himself. Still does. He came in and asked me if I would appear with him. I said, "Yeah." Of course, he had done

all the work. Somewhere, there was fraud involved in it but I don't remember where. I know this—that we won. I remember that. Yeah, Judge Carl Christensen granted partial summary judgment and was affirmed.

*Kermitt went on to become very successful in condemnation cases.*

Oh, yeah. Got some big, big verdicts. I mean, he turned and made that a specialty.

*You represented Joyce Jolley in her divorce against Lee Jolley [92 Nev. 298 (1976)]. Do you remember her?*

Yeah. I remember her. Lee Jolley. What in the name of God? I never knew we went to the supreme court with that jackass case. I remember trying it. I remember trying it and getting a very fair settlement. I thought the settlement was fair. I swear, I didn't know it went to the supreme court. [laughter]

*Here's one that I pulled off the Internet. It's under the website of frankrosenthal.com. Lefty Rosenthal. You apparently represented Lefty Rosenthal before the Gaming Control Board. Apparently, he retained you and Oscar Goodman to represent him on the matter. Can you tell us about that?*

We lost. He made an application for a gaming license. It was denied. He waited the appointed time, which I think is a year, to reapply. When Oscar represented him in the first go-around, he lost. Peter Echeverria was the chairman and he just tore us up. He was not entitled to a license. Hell no. If there ever was a mob figure, he was it. I don't know why that guy that was fronting for all of them, got out of everything. He's living over in La Jolla somewhere. [Allen] Glick. He got out

of everything. I don't know how he did it. I used to be conversant with how everybody did everything. These old clients just come out of the blue and tell you things. Talk to you about things and you're not even representing them. I used to couldn't walk down the street to eat. One of the guys would grab me, "Did you hear about so and so?" I used to be up on everything and never inquire about it.

*A lot more closed-mouth now about the dealings, huh?*

Yeah. Yeah.

*Here's an article, August 4, 1976. Headline: "Claiborne Fined \$100 By Judge." It was Judge J. Charles Thompson.*

[silence] Oh, hell. That cowardly bastard, he ripped through the damn thing about two days after the jury come in.

*This was during the jury trial?*

Yeah. George Foley was my co-counsel. I don't remember what the case was about.

*I think Chuck Thompson had been on the bench for about two years before this occurred. He was relatively new on the bench. It says that Bill Koot, district attorney, raised an objection on the legal point, which was sustained by the judge. Claiborne became angered and Judge Thompson says, "Don't give me a speech."*

I invited controversy, I'll tell you that. I remember what happened in the case because I remember that we were sweating over the fact that the jury was going to hold it against me for what happened. They are in the courtroom. I remember how we got around it. I told the jury in closing argument, I said,

"Hey, some of you may be very concerned about the difficulty I had with the judge during this trial. You may think I was contemptuous. Judges sometimes think they're God. Judges sometimes think that lawyers have no rights in their courtroom and they should deposit all those rights they have at the doorway when they walk in. I'm not going to do it. Not in this case and not in any other case." I left it at that. In the beginning, I didn't get angry. But, the ruling was so bad. Goddamn. I think it was because he was not very strong on rules of evidence. Very few judges were. It was my business. My success depended on knowing the rules of evidence back and forth. I didn't have to learn them when I went on the bench either. When he made some preposterous ruling, my God, I just absolutely went ape-shit.

*Did the jury hold it against you?*

No. I won. I won the case. About two days after the case was over, I got a call, not from him, his goddamn secretary. The secretary says, "The judge wants you to know that he dismissed that contempt charge against you." I said, "Well, you tell the judge that I'm going to research whether he can dismiss it without my approval or not." I wanted to take him on. What I think happened was he just lost his nerve. I think what he did, was he checked and found out that he was wrong. Not only wrong, but absurdly wrong!

*On the evidentiary ruling?*

Yeah. He didn't want me to take it any further. He didn't want anybody else to know.

*You represented Monte Glenn Coffman [93 Nev. 32 (1977)]. Convicted by the jury of swindling. He swindled by playing a slot machine by*

*inserting a token, pulling the handle about two-thirds of the way down, and then coming down on the handle with all his weight with both hands. That would somehow gum up the mechanism. [laughter] What do you remember about this game?*

I remember him and I remember the case.

*Looks like he was convicted and the supreme court upheld it.*

I know he got out awful quick. I don't know how he ever got out.

*It looks like this case was tried up in Reno.*

Reno, yeah.

*Judge Guinan again.*

Yeah. John Drendel. Was he on that case with me? Yeah, I know he was on the case with me. He was on it with me in the trial. Monte Coffman. [laughter] Isn't that a silly goddamn way to cheat?

*I remember that was a popular way of doing it for a period of time.*

Yeah, it was. But, we were really riding this case because they never proved that he won any money. The statute prescribes that. It was a prerequisite in the statute. It was changed later on, I remember that. Oh! You know what they call that? "Walking the machine!" "Walking the machine!" It's in here. Yeah! It didn't ever pay off. This is why I say we should've won this case. It's sad. The appellant claimed he never walked the machine. But two witnesses were permitted to testify they had observed him kind of walking the reels of a machine on a previous occasion. They don't

say in this opinion that they were successful over my objections to getting that evidence in the trial. In other words, he didn't testify to that effect. But, then they brought on a rebuttal witness to dispute him. They put it on as a case in chief. They couldn't do that. It wasn't admissible. Apparently, I didn't take too much notice. Naturally, *per curiam*. You can always say that if a *per curiam* case decision comes down, none of the judges believe it themselves. They will not put their name on it.

*On May 8, 1977, in the R-J is a picture of you speaking to the Nevada Bar Association. It talks about some organizations you belong to. One of these I wanted to talk to you about is the National Association of Criminal Defense Lawyers. What was that group?*

That was the state bar. I was the principal speaker at the state bar convention in Tahoe.

*Were you active in that association—the Criminal Defense Lawyers Association?*

Yes, somewhat.

*I picked up someplace, I'm not sure where, that you were involved in the conference on criminal justice. You were one of 110 criminal defense lawyers who met for a conference. I'm not sure if it meant that you were organizing a defense group or exactly what your role was. Do you remember this?*

Oh. I'll tell you what that is. Boy, I am really, really frustrated that I can't remember more. The Attorney General of the United States, Robert Kennedy, brought a great number [of criminal defense attorneys] to Washington. The sole purpose of it was to have input on the enactment of the Criminal

Justice Act of 1978. We were split up in groups. The conference lasted a week. We were the authors of the Criminal Justice Act. I think all of us were prominent lawyers, prosecutors, and defense lawyers through the country. I think there were two from each state. I think everyone there considered it a tremendous honor. I did, of course.

*That was your input into the bill that was eventually submitted?*

Oh, yeah. Oh, yeah. We absolutely drafted a proposal for Congress. There were very few changes and it got passed.

*There was another organization that I saw you were involved in. It was the standing committee regarding the Ninth Circuit Court of Appeals for criminal rules and procedures.*

God, I was on that committee for, probably, forty years.

*Would you attend the conferences?*

Oh, yeah.

*That would be something of an advisory committee on the rules and procedures?*

Oh, yeah. We met regularly.

*In this article in the Review-Journal of May, 1977, where you were the speaker at the Nevada Bar Association convention in Lake Tahoe, it indicates that you were a fellow in the American College of Trial Lawyers. What is that organization?*

Well, that's probably the most prestigious trial lawyers organization in the United States. I know that very few people, in this state, I

think there was only two, Bruce Thompson and one other, were admitted.

*I believe this is an invitation-only organization, isn't it?*

Yes, it is.

*You can't just make up an application and send it in.*

No, you can't.

*You were also identified as a member of The American Board of Trial Advocates—ABOTA.*

Yeah.

*Were you active in that organization?*

Yes, I was.

*Review-Journal, July 14, 1977. Headline: "Judge Criticizes Claiborne. Judge Roger Foley said in federal court Wednesday, that Las Vegas attorney Harry Claiborne has unfairly castigated fellow attorney Gary Logan."*

Oh yeah! He turned around and castigated him then worse than me!

*Says, "Claiborne had earlier said Logan was chosen by Kevin O'Malley of the U. S. Justice Department to do something because he was 'the dumbest attorney at the defense table.'" [laughter] What was this all about?*

That's right. That's what I said! It was a bookmaking case brought by some principals in the Dunes. Sid Wyman and a gambler here by the name of Gordon—that's who Logan represented. We had an expert who was Jackie Gaughan of the El Cortez and



the Plaza. He was our expert witness in the case. It was a big case. The government really wants those kinds of cases. If you were a bookmaker and you were standing across the street, walked across in the crosswalk, committing a misdemeanor and the FBI saw a guy getting killed, murdered across the street, they'd run and arrest the bookmaker first. That's the truth! Anyway, this is a big case to the government because they had some high-profile gamblers involved. I was in the case. I represented Syd Wyman, he was one of the owners of the Dunes. Charley McNellis from Washington, D.C. represented one of the defendants. I don't remember which one. But, I do know that Logan represented a guy named Gordan.

Well, across the street from the federal building was a lawyer, Sorenson. Paul Sorenson. Since he was close, he represented one of the defendants. There's a whole bunch of them involved. We all walked across and used his office. After we'd get through with trial, we'd walk across and discuss strategy. What we were going to do the next day and where we were going. Sometimes, of course, we didn't get out of there until close to midnight. O'Malley was from Washington. In getting my books together, I saw O'Malley doing the same thing. He looked at Logan and gave him a nod. That made me suspicious. I said to Charlie, "This is what I saw. I'm really not suspicious in nature but that's unusual." When we go to Sorenson's, I told him what happened. I hung back to see if they went up in the elevator and they did. I said, "Something's going on." They went up in the elevator together. I said, "I don't know whether he's discussing to cop a plea. I don't know what's going on. I got a feeling that it's not going to be good for us." Anyway, I proposed and they all agreed to wait to see if he came over to us. He didn't.

We waited there until about 10:00 at night. He didn't show.

It was customary we all met. So, when we got ready to leave, we decided that we would contact him and have him at a meeting before trial. We did. He showed up. It was just before we started trial and we didn't have time to discuss anything. But, I asked him point-blank. I said, "You went upstairs yesterday with the D.A., the prosecutor. I think you have an obligation to tell us what you were talking about. If you were talking about this case otherwise?" He said, "We weren't talking about this case." I said, "OK, Good enough." Went to trial that day. We come back at night. At noon, I went to lunch with Charlie McNellis, Sorenson, and whoever the other lawyer. He didn't want to go to lunch with us. All of a sudden, he was having lunch with us every day. I said, "You know something? That son of a bitch is lying. I don't believe a word of it." That afternoon, when we met over at Sorenson's office, I hammered him good. I said, "I wanna know. You were talking about this case and I wanna know." He said, "Well, he contacted me and asked me if I could come up and talk to him. I did. He told me that Jackie Gaughan was an informant for the FBI. It would ruin him in this town. He wouldn't voluntarily advise the court that he was an informant and would keep it quiet. If it got out, he'd be ruined in this town, particularly among the gamblers. If I would tell him what he was going to testify to, he would withhold that information." I ran quickly to open court and advised Foley of it. This is exactly what I said. I said, "He had to know what he had to testify to." But, we didn't find out until later., two, three days later. No, I found out that night. I was telling a guy about it. They said, "Jesus Christ, that'd surprise him. Hell, he's trying to save Jackie because Jackie's a friend of his mother's, sending him to college and

law school.” Along with Don Campbell. He was trying to save Jackie.

That’s when we really went ape-shit. But, I’d already been in court on this. Foley chapped my ass. What he said to me, “I’m not going to let some experienced, prominent criminal lawyer destroy the career of a fine young man.” I said to him, “I didn’t understand because all of a sudden, I became the villain.” I said, “This man is giving information to the prosecution to use against our clients to save a man he’s obligated to. He should have advised us of that fact when he did it. After he did it. Because it would victimize our defense. But he lied about it.” I felt very strongly about this. I liked Gary Logan. He felt it was something he had to do because he knew it would ruin Jackie. Foley let him withdraw from the case, I believe, the next day or that same time. He granted us a continuance. But, I believe that occurred the next day. We took our continuance and that we obviously had to get another expert. Oh boy.

*Why would Jackie Gaughan agree to be your expert with this hanging over him?*

I think he figured, surely, that Gary didn’t know it and that the government would never put him in a position of peril and even acknowledge it. He found out that that’s not always the case because if it benefits them, they’re the first to get on the white horse and expose them.

*You felt there was a chance that O’Malley would use that information to impeach him [Gaughan] with.*

Oh, he was! Oh, sure!

*It comes right out in the newspaper and refers to Jackie Gaughan as a confidential informant*

*of the FBI. Being in the newspaper that had to have hurt Jackie.*

I said that. When I reported to the court what happened, I had never filed a complaint with a grievance committee against any lawyer. I have never sued a lawyer for malpractice. I have just never done it. This wasn’t an easy decision for me to make. I had an obligation to expose it because my obligation to my client comes first. I did it. I really did it in as nice a manner as I could. Unfortunately, I was in a position where I was lead counsel on a case. It was my job to do it. And I did it. I didn’t regret it. Now, he’s [Gary Logan] in the same office with me and we’re very friendly. He rents an office from Rick Wright. We’re friendly. He didn’t get hurt by it. He could’ve been really hurt. In fact, Foley told me later that he really believed that because he was a young lawyer, he blamed O’Malley. He didn’t blame Gary at all. He blamed O’Malley because O’Malley was the prosecutor and took advantage of his youth and inexperience. I didn’t see it that way. It all worked out for us because we got an acquittal.

*You got a continuance and then you went to trial and got an acquittal on that?*

Yes.

*Samuel B. Frankovich. He is a Reno lawyer. You represented him before the state bar on a disciplinary action. Apparently, he received a \$1000 fee to prosecute a prisoner’s appeal. He needed to get a trial transcript. Failed to do that. The appeal was dismissed. You recall that case [94 Nev. 104 (1978)]?*

Sam was a very good Reno criminal attorney, as well, he handled a lot of civil cases too. A long time lawyer. He got, frankly,

so much business, he couldn't take care of it. His financial demands of his family was so heavy that he was having a hard time making it. I think his trouble was that he was taking too many cases too cheaply. He wasn't taking care of business. Couldn't. Didn't have time. He was failing to appear because he was somewhere else appearing. Jesus, it was a terrible situation for him. I appeared for him in court *pro bono*. I had some relationship with him in some cases.

Review-Journal, June 17, 1978. Headline: "Claiborne, Goldman Mum Over Reported Argument." *It has to do with an argument you and District Court Judge Paul Goldman got into. It had something to do with the trial involving Lawrence Arvey. First of all, what was the thing with Goldman? I have the Arvey case right here. We can talk about that.*

OK. [silence] Boy, I never knew this was in the paper. I tell you, this is what happened. This said that everybody knew [U. S. Senator Howard] Cannon was going to appoint me [to the federal bench] even though he hadn't said so. That's wrong. My nomination had already gone forward to President Carter by Cannon when this occurred. Because, until your nomination goes forward, they don't investigate you. Anyway, Bill Jansen was one of the investigators investigating my qualifications—he was with the FBI. Shows you what happens. I was in district court and I was at the calendar looking for my case. While I'm there, a lawyer, who I won't name, comes walking up beside me. He said, "I went into Goldman's chambers and his secretary was not there. The door was closed. I could clearly hear the conversation. I did hear enough of it that I got the hell out of there. Thought I would come over and talk to you. I just saw you here in the hallway. He's talking to some

investigator and he's calling him by his first name, Bill. But, I already knew who Bill was because, hell, he had been talking to me at least twenty hours. "He's telling him that you lied in a case with him in open court. That you denied that you had seen a psychiatrist report, when actually you had." But, what he relayed to me was not what happened, but what he relayed to me, he understood that Goldman told him.

*This was pertaining to the Lawrence Arvey case?*

Yeah. What happened was, Oscar Goodman and I were on the case together. We got a psychiatric examination of Arvey. They sent the one copy to me, the psychiatrist did. I made a copy and sent it over to . . . . No, I didn't get a copy. Goodman got the copy. Read it to me over the phone. When the hearing came up about the psychiatric report, something happened that Oscar couldn't get there. I went ahead with the argument and I told the judge, "I don't have a copy of the psychiatric report but it has been read to me and here's what it said." I called Bill up and I said, "Bill, why don't you come over to my office. I wanna talk to you about a matter. It has to do with my appointment." He said, "OK." He came over. I said, "I'm informed that Judge Goldman has reported to you that I lied in his court about a psychiatric report." He said, "I can't answer that. I can't verify or refute it. I'm not allowed to." I said, "Well, OK. If he did, and I think he did, you will report it and it will affect whether or not I'm confirmed. So, right now, I'm going to write the Attorney General of the United States and put him on record that I demand the right to be advised as to what Judge Goldman said and the right to refute it." He said, "OK. I'll tell you what, Harry. What I'll do, and this

the best I can do, is call my supervisor and ask advice what to do.”

The next day, he came in and he said, “I contacted my superiors,” he didn’t say who, “They advised me that I can relay to you what the judge said and give you a right to refute it.” That’s when he told me that I lied when I said I didn’t have a copy of the psychiatric report and that I lied as to its contents. When he told me what he said, he read me what he said from his notes, I wrote it down. Fortunately, as my practice always, I asked for a transcript of the hearing and got it. I took my file and showed the transcript to Bill as to exactly what I said. Then, I took a copy of the psychiatric report. I said, “Here, my statement in court is accurate.” He said, “Then, why would Judge Goldman go and lie?” I said, “I don’t know. I don’t know.”

The transcript saved me. There’s always that thought what the hell would have happened if I hadn’t had the transcript. I go over to his office. I said, “Why did you tell Bill Jansen that I lied in your courtroom?” He said, “I didn’t tell him that.” I said, “You’re goddamn lying. If you didn’t tell him that, I want a letter from you stating that you did not tell him that.” He said, “I’m not going to give you a letter.” He refused to give me a letter. But, I really didn’t need it. That evening I was hit by a reporter. I said, “I have no comment about what happened. I hope you will understand why.” I don’t know who gave him the information because the argument was not loud. One part of the end of it might’ve been a little louder. I said, “You’re a goddamn liar. You wouldn’t hesitate to give me a statement that you did not tell Bill what he had in his report.”

*Right here in the article, it says that the main thrust of the discussion was Goldman’s comment about the psychiatric report. So, it is more that somebody overhearing something*

*through a doorway. There was a lot more information disbursed to the reporter.*

I don’t think that Goldman would have volunteered this. It must’ve been somebody close to Goldman. I don’t remember. There were people in the office. There might have been lawyers waiting. I don’t know.

*It just strikes me as being a little bit more detailed information than you can hear through a closed door. That’s my observation on this.*

But, I know why he did it, because he went nuts. He didn’t tell me. We had mutual friends. He and his wife had mutual friends. We were invited many times to their home for dinner. I liked Paul’s wife. I thought she was a super person. I conversed with her a lot. Talked to her a lot. Eventually, they got a divorce. I don’t know whether they got a divorce after this incident or not. But, probably at the time that this happened, he was suspicious of her loyalty, I guess. He told a mutual friend of ours that he thought I was fooling around with his wife. The friend didn’t tell me this until after Paul had died. We were talking about him getting killed up there on the highway, near where I was living at Mountain Springs. Car accident. He knew what Paul did with the FBI agent because I had told him. Then he told me of Paul’s suspicions of me having an affair with his wife, which was the one time I was innocent!

*Maybe it’s just a timing thing! [laughter] Last case: Lawrence Arvey. We got into that a little anyway. Tell us about that case [94 Nev. 566 (1978)].*

Well, he was charged with molesting his girlfriend’s daughter. That was it. He had a

candy store at MGM. He owned the candy store there. He was accused of molesting the child by fondling her. They filed against him and Oscar Goodman and I both represented him. We were responsible, I guess—nobody else was being granted bail by the supreme court. We filed a motion for bail after conviction. He denied it. We went to the supreme court. They heard our motion for bail and they granted it. He made bail and got out of jail. He fled the country. We believe he fled, I have forgotten which one of those Muslim or Arabian countries he was from. He fled there. The FBI believed he fled there. But anyway, he never went to prison. He's still wherever he fled to.

*No one's heard from him since?*

Nope. Nobody's heard a word.

*This was a very prominent case in the newspaper, as I remember. I guess because of the nature of the crime. He was a substantial citizen in the community as well.*

And he was a big political donator to both parties, to various candidates, some of them running against each other. He was very prominent in a lot of civic organizations. It got a hell of a lot of attention.

*As I recall, he had a house over on Fifth Place. He bought a couple of houses, I think, and put them together so he had one of the largest houses in terms of square footage.*

An architectural abortion.

*Did a lot of entertaining there, as I recall. That was a jury trial and he got convicted, as I recall.*

Yeah.

*Was he a real heavy-set guy?*

Big and fat. Heavy-set doesn't express his size. Fat fat.

*Not a very appealing. [laughter]*

No. No.

*I see listed on here, the counsel on the appeal: F. Lee Bailey. How did he get involved in this case?*

Goddamn if I know! I remember only being on one case with Bailey and that was the Empire Gas case in Kansas City, Missouri. I swear I don't remember him being on this case.

*He probably did the appeal if you don't remember him being involved in the trial.*

This was just a bail hearing.

*Let's talk about a case where you represented Joe Blasko and Bruce Sandholm. They were two police officers. Apparently, they arrested a cab driver who was throwing a firebomb into another cab. Can you tell me about that?*

There was a war going on between two competing unions here. This one cab driver had thrown a firebomb into one of the competitor's cabs. These two cops arrested the guy. They saw it. He was one of the tough members of the union. He resisted. I believe, as I remember the facts, they booked him. Then, he became sick. They took him to the hospital and he either died on the way to the hospital or he died at the hospital. He had a ruptured spleen. While he was on the treatment table, he had a heart attack. They gave him, not CPR, but something medical—



*Sort of a heart massage kind of thing?*

Yeah. Hell, it wasn't just lawyering. It was actually a fact. In the preliminary hearing, I practically got the doctor to admit it. At least they got enough doubt in there that they turned him loose. And I think it was absolutely correct, a tough case. When you get into these cases that rest upon medical testimony, you can do almost anything with medical theories because, as I say, they don't have a law school in Texas. They just have one combined medical school and law school.

*Sandholm and Blasko, they were police officers? There was the accusation that they beat this guy up and killed him. Joe Blasko went on to have a little game of his own, didn't he?*

Yeah, he became very famous. He was a member of "The Hole in the Wall" gang. They were climbing in buildings and burglarizing them through a hole in the roof. Yeah, he became a really well known citizen. [laughter]

*He was part of Tony Spilotro's crew, wasn't he?*

He was, really, yeah.

*He was allegedly doing work for Spilotro while he was still on the police force.*

Oh yeah. He was actually engaged in some of these burglaries while he was a police officer. He was the front man for Spilotro. He gave him all the information—what was going on about him in the police department. He was something else. Nicest guy in the world. Yeah. I liked Joe.

*He died not too long ago, didn't he?*

He died, yeah.

*You represented Jay Sarno [596 F.2d 404 (1979)]. Allegedly, he tried to bribe an IRS agent. Who was Jay Sarno, first of all?*

Jay Sarno was a very interesting man. He had a partner. They came to Vegas. I've never been able to figure out quite whether he just borrowed money from the mob or whether he was the manager of the mob's property. But, he was a genius, there's no question about it. Like nearly all geniuses, he had kind of a screw loose. He came here and he built Caesar's Palace. Designed it and everything. But, he couldn't run it. He had great ideas and he could successfully project them into action, but, he couldn't run a business. He ran Caesar's Palace a while and hell, he was getting buried. He sold it. He and his partner went and sold it.

Then, he got an idea to build a hotel like he built. They built Circus Circus. I don't think there was anything like that in the whole world with the acrobats going over the tables where they were gambling. Circus acts during play. Not shows, just all during the day. I guess, there's nothing like that anywhere. Same thing happened. He had a lot of difficulty there. He finally had to sell it. And did. Whoever got it, whoever's running it now—it's one of their most successful places. He was a guy with great ideas. Then, he got a great idea about the biggest hotel in the world called the Grandissimo. He promoted that for two or three years before he died. In fact, he was promoting it when he died. Trying to find financing for it and everything. He would've built the most elaborate goddamn hotel you ever saw. Steve Wynn would be nothing. He had those ideas. He could build.

*I remember talk about the Grandissimo. Did he have a location planned?*

Out past the strip, on I-15, just below the Pahrump turn-off.

*How old a guy was he when he died?*

Oh, I'd say Jay was seventy-two, seventy-three, in there.

*What kind of case was this that you were representing him on the bribery trial?*

There's two cases. Stanley Mallin.

*There was another man named Leo Crutchfield.*

That was a guy who was the government informant. They got indicted for trying to bribe an internal revenue agent. I told them, "I can't represent both of you." Those days, I kinda had the first shot at all these people. I said, "We'll have to bring in another lawyer for one of you." I explained the whole reasons why. They said, "Get somebody, but we want you to try it." I said, "OK. How about Oscar Goodman?" They said, "Fine." I called Oscar up and said, "They wanna hire you. Come on over." He came over and I sat down. It was understood that I was going to be responsible for the trial. In other words, I'm going to be the lead lawyer in the trial. I said, "OK, Oscar, which one of these fellows do you want?" He did not know Mallin at all. Few people did. But, he's half-owner of everything Sarno was in. Stanley was worth ten times as much as Sarno. I knew exactly what he was going to do. Oscar said, "I'll take Mr. Sarno if that's all right with him." He nodded his head. I almost busted out laughing. I figured old Oscar knew which one of the guys had the most money. He never heard of Mallin. I went to laughing. Mallin looked at me and he was laughing too. He got the same message.

We go to trial. I had a number of character witnesses there for Stanley. I asked Judge Foley, "How many character witnesses will you allow me, your honor?" He said, "You can have three. How many do you have?" I said, "I have five." He said, "You can have three." I said, "Can I have one more? Could I have four?" He said, "Yeah, you can have four." Oscar didn't have any. I don't know whether he couldn't find any or what. But, I'd be in there calling the character witnesses last. It didn't make much difference because I already feel I had the case won. Just dressing on the cake. So, I process call one of them. Called the first one. "Do you know Mr. Mallin?" "Yes, I know him." "How long have you known him?" "Ten years." "Do you know his reputation in the community for truthfulness and veracity?" "Yes, I do." "Tell the ladies and gentlemen of the jury what it is." "It's good." [laughter] Sarno punched Oscar and he said, "Ask him about me." Oscar didn't do it. I dismissed the witness and out he went. Second witness, same thing. Oscar just sat there. Sarno said, "Ask him about me." Oscar didn't do it. The third witness was the chancellor of a university. As he was leaving the witness stand, Sarno said, "Goddamn it, ask him about me." Loud enough that you could hear him. Hell, everybody could. So, Oscar was trapped. He called him. He said, "Just a minute. Do you know Mr. Sarno?" He said, "Oh yeah. I know Mr. Sarno." He said, "Do you know his reputation for truthfulness and veracity?" He said, "Yes." He said, "What is it?" He said, "Fair." [laughter] He didn't ask the fourth one. They were acquitted. Rick Wright, my [present] landlord, was the prosecutor, assistant United States Attorney. This acquitted our clients. That bastard filed and got them indicted for perjury. For lying—. [laughter]

*For lying in the case that he won.*

But not Mallin. Just Sarno. Here he comes. I said, "Goodman's your lawyer. Go see him." He said, "Oh hell." He wasn't very complimentary to Oscar. I said, "You're screwed anyway." I went ahead and tried this one by myself. Got him acquitted in that one, too.

*Was there some discussion between the defendant and the IRS agent in a hot tub?*

That's where the bribe offer occurred. It was Sarno, Mallin, Crutchfield, and the IRS agent all in the hot tub. Crutchfield set up the meeting.

*Who was Crutchfield? I see his name come up from time to time. What was his role around town?*

He was a contractor but he was kind of a small contractor, kind of a local figure, everywhere and in everything. Knew everybody. Had no visible means of support that I remember. [laughter]

*The R-J has an article dated November 15, 1979. Headline: "Claiborne's Legal Fee Upheld." It was when you and Pete Echeverria finally got your fee from Jack Van Sickle from the Nevada Supreme Court.*

Yeah.

*Here's another character: Joe Conforte and Sally Conforte. You represented them on tax evasion for failure to pay employment taxes [624 F.2d 869 (1980)].*

I represented her.

*Who represented him?*

Bruce I. Hochman.

*He's from Beverly Hills?*

Yeah. Damn good taxman.

*Now, have you dealt with him before?*

Oh yeah.

*He used to come up pretty often on tax cases.*

He used to come up on a lot of cases. Most of them were referred by me. I didn't handle tax matters, tax trials. Some I did. Didn't like them. I wasn't a tax lawyer. But, tax trials generally do not test the knowledge of income tax. Generally, no. They're on one specific area, generally, on tax evasion. Generally that. So, it becomes no different than any other trial.

*He was a good trial lawyer in addition to knowing tax law?*

Oh yeah! He was, in my opinion, the best around ever. I'm talking about California, Nevada, Arizona. Good lawyer.

*I'm thinking of some other local politicians that were indicted for tax problems tax problems here that he came up for. [Floyd] Lamb was one of them. [Jack] Petiti. Some of those people, but I do remember his name coming up.*

Oh yeah. He was in a lot of cases around here. I would say a good fifty percent of them, I referred to him. I wasn't even in the case, but I just referred when people went in to see me. I said, "This is the man to get. Get him. You don't want me."

*The Conforte case—did that take place up in Reno?*

In Reno.

*Apparently, the issue was whether or not the prostitutes were independent contractors or whether they were employees. If they're employees, then Conforte should've been withholding payroll taxes.*

There was a lot of animosity between Conforte and [federal Judge Bruce] Thompson. Thompson gave Joe twenty years. Sentenced him to twenty years. It was not right. None of this did I know. Bruce [Hochman] didn't. Neither one of us knew about it before the trial. Some other lawyer took that issue up. I don't know if it was by writ or what, after the case was over and I was on the bench. Bruce was out of it. Apparently, there was a bridge club. I don't know how these bridge [card games] clubs work but I guess there's some kind of national organization on bridge clubs. Bruce [Thompson] was a bridge player and a member of the Reno club. Conforte made an application. I guess he was admitted, or whatever the structure was. Thompson tried to throw him out because of his reputation and his business. But, that case was the one the FBI used against me.

Conforte claimed that he gave me two bribes. One in my apartment in Reno—he'd never been in it in his goddamn life. One when I was sitting on a tax case over in Portland, Oregon. He came over there, which he did, but, not to see me. His lawyer on appeal on this matter was another Los Angeles lawyer. I can't think of his name. He was the defense lawyer in this case that I was trying [in Portland]. I didn't know him. Never associated with him in any way. He [Conforte] came over to see him. He found

out, in meeting with him that night that I was there. He did come see me. But he didn't come in the chambers. He come running up the steps of the courthouse. I have proof about it because there's a whole bunch of jurors and the defendant was in the elevator when he was coming up the stairs of the courthouse that day. He was yammering, "Judge! Judge!" Everybody stopped. He came up. He went up the elevator with us. I talked to him out in the hall and went on into my chambers. Talked to him just two, three minutes. He claimed at that point, in the basement of my hotel at six o'clock in the morning, he gave me \$55,000. Why \$55,000, I don't know. I put it in my coat pocket. Big liar. They wanted me so bad. They knew he was a phony. That's the truth, Bruce. It isn't cause I'm trying to make myself look good. Nobody ever gave me a quarter. Nobody ever offered me a quarter. Nobody ever asked me, through friendship or anything else, to do anything on the bench that was wrong. Nobody. There was nothing I could do. Nothing I could do to help him. He sent Stan Brown and Roy Woofter both to me to see if I could help them in some way.

*This was to help him on this case where he was convicted on the employment taxes?*

Yeah. I told them both there was nothing I could do. Nothing. He sent them because I had represented Joe in one case and his wife in the past case. I represented him in another case some ten years before that. I guess, the only case he ever won in federal court.

*What was his motivation for coming up to Portland in the first place? Was he associated with that case or came up to supposedly give you the money?*

To see his lawyer.

*Oh, his lawyer was trying the case.*

His lawyer was representing the defendant in the case, which I was trying.

*You were sitting on the case. You were a judge at that point.*

Yeah. I was the judge.

*I never did understand the Portland connection.*

Yeah, that was the connection. It fit right in. He's trying to get his sentence reduced and to get back into the United States. They reduced his income tax. The deal that they made with him - he owed \$20-something-odd million in taxes. They knocked \$17 million off. They brought him back. He was a fugitive down in Brazil. They brought him back to testify to all this shit. They reduced his sentence to fifteen months. Twenty years to fifteen months. Yeah. So, out of those fifteen months, he did five. He did five. They let him out.

*Did he eventually go back up to the Mustang Ranch and start running it again?*

Oh yeah. Got indicted again and fled. He's somewhere, they say, in Peru now.

*In Portland that went to a grand jury, didn't it?*

Yeah.

*But they didn't return a true bill?*

No true bill.

*Did they do it twice?*

Twice down here. [Las Vegas]

*But just once in Portland?*

Once in Portland. Finally, they got it on in Reno.

*Now, the employment tax case was the one he got the twenty years and \$21 million. What about Sally? Did they convict her?*

Yeah, but they gave her probation.

*You said that you had represented him earlier than the employment tax case.*

Oh yeah. I guess fifteen years before that, he got indicted for bringing a minor across state lines for purposes of prostitution to work at his place. I got him acquitted in that. Stan Brown [a Reno lawyer] brought me into that case. Stanley became a very good friend of mine. Then, he did everything in the world to convict me. Called me with the FBI on the telephone to talk to me. Asked me questions, as a friend. He was Conforte's lawyer. I knew that. We introduced a lot of those tapes in my trial.

*Now, how old was Stan Brown?*

Stan Brown's my age. He's in his eighties.

*There was a couple of Stan Browns—.*

That's his son practicing. But, you would think that a lawyer being in the type of business that I was in and seeing all types of people, good or bad, loyal and disloyal, that his disloyalty—I don't know if you call it disloyalty or not but whatever you might call it—shouldn't have been any surprise to me. It should not have bothered me too much, but, it did because he was a friend. I worked out of his office when I was in Reno most of the time



in trial, which was a lot, as you've seen: dinner at his home at least once a week when I was up there; a visitor in his home and with his family many, many, many times. I adored his wife, and his family, as far as I was concerned. It hurt me. It took me a couple of calls. The average lawyer would've never caught up with it. No telling what he would have said, innocently, that would have hurt him. You can't talk to an FBI agent or an informant about a crime, or criminal activity, and be as innocent as Christ himself, still without saying something on tapes that will incriminate you, if you want to put a turn on it.

I guess this was the second call that he made. Of course, I didn't know that Conforte sat out there, or anybody else. He said to me on the tape, "Boy, they're going up and down that canyon like mad." I said, "Who's going up and down the canyon?" He said, "The FBI about Joe. You know what's going on?" I said, "No. I don't know what's going on. What the hell's going on?" He said, "Well, they're really interested in something." I began to get suspicious of something. I knew, for him to be calling me, I thought, "This just does not ring true." He'd be calling. But, I had no close tie with Joe Conforte. None. Represented him. Took his money. That was it. He used to call me when he'd see in the paper I was in Reno and ask me to dinner. I always refused. I had no association with him outside the courtroom. Outside professionally. So, for me and him [Brown] to start talking about something going on with Joe Conforte in that vein. He was Conforte's lawyer—why would he be calling me? It hit me. I was careful and cautious with what I said. But, I had told him years before, I said, "Jesus Christ. You're a good lawyer. You're Joe Conforte's lawyer and that's what you're known as—Joe Conforte's lawyer. Get rid of that son of a bitch. Get your

respectability back." Well, he didn't because the money was good.

*He was a very well known lawyer up there, as I recall.*

Damn right.

*What does it mean, "going up and down the canyon"? What canyon was this?*

Over to the whorehouse. They go through some canyon over there.

*Do you think that he was doing this on behalf of Conforte?*

Oh yeah!

*Or do you think they had Brown himself over a barrel?*

He was Conforte's attorney for twenty years, at least. There's no way in the world he could've been Conforte's lawyer for twenty years without Joe Conforte involving him in something. You know that. I know that. I couldn't specifically put a finger on anything because I wasn't that close to Conforte or their business. I really think that Stan Brown was the architect of this whole thing even though Conforte's agent in dealing with the FBI was a lawyer by the name of Perry. Peter Perry. But, I know that Peter Perry wasn't going to do a damn thing without conferring with Stan Brown.

*He was a much younger guy than Stan was.*

Oh, yeah. Of course, when they got the deal all set with Conforte, the IRS wouldn't go along with it. They sent two agents over

to talk to Conforte. They come back and they said the guy was lying. They thought he was lying. They rejected the deal. They went after [Gerald] Swanson, who was the [IRS] district director of Nevada. It got to be a mess. They pulled Swanson out and transferred him to Denver.

*Was Swanson the one that put the thumbs down on the deal with Conforte?*

Yeah. They moved him and brought another agent in. [FBI agent in charge of the Las Vegas office Joseph] Yablonsky got him removed. They brought another agent in. Within twenty-four hours the IRS agreed. Swanson was given a black eye. His best friend was a colonel. He almost went to the penitentiary on false statements of Perry and Conforte. An absolute mess. If you read the whole thing, you would not believe it. A lawyer would not believe what happened in that case.

*Conforte. There's a pretty well known incident where Bill Raggio burned his brothel down.*

He had his whorehouse right on the bank of the Truckee River in Washoe County, by several feet. Not many, but several. Bill sent a surveyor over there. They found out that, by God, it was in Washoe County. He sent a crew over there and he burned the son of a bitch down.

*Declared it a nuisance. [laughter]*

I don't think they declared it a nuisance. I think they just burned it down.

*That helped Bill's reputation as a fighting D.A. agent.*

Oh yeah. He was. He was a fighting D.A. I'll tell you something—Bill Raggio's honest and the best goddamn prosecutor this state ever had. I guarantee. He was good.

*Did you see that he got married last week?*

Yeah. Seventy-two years old. You'd think a guy, in seventy-two years, would get smart, wouldn't you?

*Here's a case. This is a far more recent one. It's in 1992 where you represented Emory Woodfin Cofield. The other defendants were Steven Dale Witten and Steve Binion Fechser. What was that case about [965 F.2d 774 (1992)]?*

About beating up a guy working at the Horseshoe. They were security guards at the Horseshoe. They were charged with beating up a fellow. In RICO, there has to be predicate cases. It can't just be one violation. One felony. One of the predicate felonies had been dismissed. That left them without sufficient number of predicate cases for the RICO. This was what it was about in the Ninth Circuit. Before this, one of the predicate cases involved was a state case brought against the same defendants in the federal case. I represented one of the defendants, Cofield, and he was acquitted by the jury. The other two defendants that were in that state case were convicted. My man was acquitted. [Rick] Wright's man was convicted. Oscar Goodman's man was convicted. That's pretty heavy stuff in there! I got my man acquitted. I wanna tell ya. The charge was just beating up one guy. They were all involved in it. You kinda got to move pretty good to get your man acquitted.

*I guess one is apparently a Binion relative—Steve Binion Fechser.*

Yeah. Benny Binion's grandson.

*He was working at the Horseshoe. What was the reason for the beating? The guy was a cheater or a dealer that was cheating?*

No. They had ejected the guy for something. I don't recall what it was. He came back in. He fought them. Most of it took place in the coffee shop. It was a wreck. I always said, "Benny didn't care too much about his grandson going to jail. What he was upset about was the damage done to the shop." [laughter] That's the truth, too!

*Who was Steve's mother or father that was a Binion?*

Barbara.

*Here's another one. Fairly recent. You represented a Ron Sacco. Conviction of bookmaking without a license in state court [105 Nev. 844 (1989)].*

Yeah. He was convicted. I was in that case with Michael V. Stuhff. I came in to try it, really for Mike.

*Was there anything to that case?*

Nah.

*Here's a non-jury case where you represented a Laurie York. It had to do with petition of property in Nye County [111 Nev. 1481 (1995)].*

Nye County? Yeah. I won that case over in Tonopah and it was reversed by the supreme court. Jesus Christ, the supreme court rewrote the facts of the goddamn case. That's a fact. This was the most shocking decision I'd ever seen come out of the supreme court. They

reversed it all on factual issues that absolutely did not exist. None of them existed. There wasn't an iota of evidence in the goddamn transcript of anything they said. Anything they said! I know some of their damn clerks wrote the opinion. Let me see that case again. I'm going to get mad all over. [silence] Jesus! I think they got an absolute feeling that this woman was a gold-digger and she took this guy. He was seventy-one years old. [laughter] Honest to God, none of these facts are true. I swear to God! One day, I'm going to confront somebody on the goddamn court. I don't know who.

*Here's one in the R-J of April 10, 1996. It has to do with a video deposition of Ted Binion before the Nevada Gaming Commission. I know that Rick Wright represented Ted Binion. You did too. [silence] Ted Binion had a gaming license, did he?*

Originally, he had a gaming license. It was revoked because he was convicted of possession of an illegal drug. Eventually, he got his license back. Then, it got revoked. Got it back again. He got it revoked. We're trying to get him his license back for, I guess, the third time. Didn't make it.

*Was it unusual to have a deposition before the Nevada Gaming Commission?*

Really, they're authorized to question any applicant. We thought it was strange. The Gaming Control Board could take a deposition if they wanted to. They decided to. We weren't concerned about that but we were concerned that they were going to make a circus out of it and admit the media. In fact, they practically sent an invitation out to the media. The notice was unparalleled that I know of. If you're going to send a notice out

to take the deposition before the media, it's a little strange.

*Did the deposition go forward, ultimately on that?*

Yeah.

*Was it open to the public?*

No. By now, they agreed to just take his statement under oath, which they did. They questioned him under oath.

*Did Ted Binion have any real day-to-day operation/management involved in at the Horseshoe?*

No.

*His brother Jack pretty much ran it?*

Yeah. I think that he was last licensed five or six years before this application.

*It says in here that one of the things the board was questioning was his relationship with Herbie Blitzstein, the top lieutenant of Tony Spilotro.*

Oh yeah. Blitzstein was a friend of his. Blitzstein had been a friend of his for years. They were unrelated friendship/association, but they were friends. Blitzstein visited Ted's house. Knew his family. Ted wasn't in the rackets with him in any way.





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FEDERAL JUDGESHIP

*Let's talk about your appointment to the bench. As I understand, Bruce Thompson decided to go on senior status and that is how an opening became available on the federal bench.*

That's correct.

*How did you learn that Howard Cannon was going to submit your name?*

I think I knew that Howard was going to submit my name long before the occasion arose. What year was Rockefeller's confirmation? Whatever year it was, Howard asked me to come back and become counsel to the Rules Committee which was conducting the confirmation hearing. I went back in that capacity until he was confirmed. A couple of months passed. During the process, it was continued over a period of time. I think I flew home one time and then went back. It lasted a lot longer than we ever expected it to. A lot of work was involved. The hearings were going on in Nixon's case. It looked like he might be indicted before he resigned. Senator

[Cannon] called me. He couldn't come here. He said he was tied up. He asked me if I would come back to confer with him. I did. At that time, he thought the Rules Committee would hold the impeachment hearing. It seemed to be that what was going to happen. So, I went to work on the thing back there. I went to the Library of Congress. I got everything I could read on prior impeachments. I found out, long before I personally experienced it, that impeachment was just about what Congress wanted it to be. [laughter] He asked me if I would then prepare projected rules of impeachment. I was well into that when he resigned. I jumped in the air with glee, grabbed my suitcase, filled it with my clothes, and headed back to Vegas. [laughter]

During that period of time, we were working one night. It was late. Just me and Cannon. God, he was a hard-working man. Not a politician, but, if there ever was a statesman, he was it. He was sincere in everything he did. I think everything he did was with the question, "Does this benefit the people?" He had no charisma. You would

never believe that he was a politician. He didn't measure anything as to how it would affect him politically. That was his problem. But, he was a good senator for this state. I had tremendous respect for him. I was working for him. One night, he stopped and looked at me and said, "I never knew until we got into the middle of the Rockefeller thing, how goddamn smart you were." He said, "You know, I wanna apologize to you right now. I knew you were a good lawyer but I never knew how quick you can grasp a situation. I appreciate your help. I want you to know that." He paused, then said, "If a judgeship opens up, would you take it?" I said, "Probably won't, but I would sure like to be asked. I would expect that to be a long time down the road. By then, I might want it. Who knows." One day, I get a call from him. He says, "I got a letter on my desk from Bruce Thompson. Do you want it?" I said, "Yeah." He said, "I'll ship you the letter over today." He did.

*The letter was Thompson's notification that he was going on senior status?*

Uh huh.

*Had that been made public at this point?*

No. I really hated to see him [Cannon] get beat. At the same time, Chic Hecht was a friend of mine—a friend of mine to this day, but, I hated to see him beat Howard. He didn't really expect to. They asked him to run. They had nobody to run against him. He ran. Ordinarily, I'd have been tickled to death because I really, really liked Chic. To this day, I like him.

*When Senator Cannon called you and told you of the letter of Bruce Thompson, you were*

*in a much different situation than you were years earlier.*

Oh, yeah. I was ready to go on the bench.

*So, there's no hesitation at that point?*

It was no hesitation at all.

*At that time, you were about sixty or sixty-one years old?*

I was sixty years old.

*Was your age a consideration?*

Yes.

*Tell me about that.*

If you were sixty years of age, you would come of pension-age too quick. Naturally, they wanted long-term federal judges. They had passed the word to all the senators to please don't nominate people who are sixty and over. I think I got barely under the wire some way. Wouldn't have made any difference because Cannon said he had the juice to do it anyway. I didn't worry about it. He didn't worry about it either.

*Was there anyone else under consideration or not?*

No. He tried to make it look like it, but no.

*Did you tell him over the telephone that you would be interested at that point?*

When he called me, I said, "I'll take it." Oh yeah. He said, "Do you want it?" I said, "Yeah." He said, "You got it."

*What was the process after that then?*

They investigate the hell out of you. They make a report of investigation to the Senate Judiciary Committee. The Judiciary Committee holds a hearing on your nomination. They vote on it. If they vote it to the Senate, then the Senate votes on it. If you muster a majority of the votes, you're in. That's the procedure. Nobody protested my appointment. One woman wrote a letter. She wanted to be present and protest. She didn't show up at the hearing. I understand she showed up afterwards.

*Did you know who it was?*

I found out who it was. She's in the legislature now, a woman lawyer here. I can't think of her name [Genie Ohrenschall]. Her beef was not me personally. Her beef was not my qualification. Her beef was that a woman should be appointed. In fact, Paul Laxalt told me what the letter said. I didn't know. He said she just said I was highly qualified and that she thought I would make a very good federal judge. Said a woman should be appointed. See, they're not supposed to tell you any of those things. You don't know who's made derogatory statements about you and you never know. I know. I got a copy of everything that was said about me.

*Had you ever given a thought to becoming a judge before that on the state court level?*

No.

*Why was that?*

Simple reason was I was in love with the courtroom. I had a love affair with the courtroom. I couldn't wait to get into the

courtroom to try a case. I was happier in that courtroom than I was any other place in the whole world, bar none. God, I loved to try cases. I love the atmosphere. I love the system. It was my whole life. Cost me four marriages. I couldn't help it. I must've had a tremendous record. I don't know what. It never bothered me. I never really counted it. I really can't say that it was worth it, but, I think it was. When you get my age, Bruce, you'll many times look back and say to yourself, "Have you really accomplished anything?" I don't know whether I could say that about my law practice or not. But, I sure as hell can say it about the fact that there's no question that I'm the father of probation in this state. I got my brand there. So, I contributed to something.

*Did anyone ever approach you about a [Nevada] Supreme Court position? Or were you ever interested in that?*

I wasn't interested. I guess the closest approach that I ever got was [Governor] Vail Pittman. It really wasn't what you would call an approach. I was helping Ted Cupid set up the rules and regulations of the probation department. Set up the probation department as such. We had several conferences with Vail. Even before that when I was in the legislature, we became good, warm personal friends. He said to me, "You should be on the supreme court one day." My answer was, "Jesus, Vail, they don't make any money." [laughter]

*That was too early in your career.*

Oh, I was young. Yeah.

*You actually went back to Washington for the confirmation hearing. There was no one that*

*opposed you at that time. But, as I understand, there would be a forum of senators who was asking questions.*

Yeah, the whole Judiciary Committee.

*I know that confirmation hearings now are very confrontational. Yours didn't appear to be confrontational.*

No. They asked a lot of questions.

*In terms of your feelings about certain legal issues?*

No. They didn't ask me a single question about that, like they had done some of these people. I think that's terribly wrong. They didn't ask me any questions like they asked these people about abortions—how they feel about abortion, partial abortions and all of that bullshit. There's two views, each of which is better, is anybody's guess. One is the people have a right to know what their Supreme Court justices' views might be in anything. The other is, people don't have any right to know. Their opinions are their own. It belongs to them. Which is the better, I don't know. Abortion now has begun to become such a political issue that the whole subject matter is a matter of politics.

*What type of questions did they ask you—more of a personal nature?*

They asked me questions that they had picked up from the investigation. The hearing was very short. Cannon testified. Laxalt testified. That was the only witnesses that we presented. There was no opposition. No one else was there. They asked a few questions—all of them that they had picked up out of the investigation. One of them asked me if I had

been married three times. I said, "Yeah." He said, "That's a lot of times." I said, "I guess so." I don't remember who the senator was but he said, "Why?" I said, "I guess I just love women." [laughter]

*Did they take that answer in the spirit it was offered?*

Yeah. [laughter] They didn't pursue it anymore.

*Were there any discussion/hard feelings from northern Nevada as to your appointment? That is, a Las Vegas judge going up to Reno as opposed to, why didn't you pick somebody from Reno?*

I understand, yes. Not for me personally. I could tell from the atmosphere that I was not too well received there. It was kind of like the guy who came to dinner. I don't know whether you saw that movie or not. Sidney Poitier. I could sense it. I didn't pay too much attention to it. They knew that when I took the bench up there, that there was going to be another federal judge. Cannon had passed the word that it would be a Reno lawyer. It was.

*So, when you went up there, everybody pretty much sensed that you would be on a temporary basis and when a new judgeship came up, you would come to Vegas?*

I would come back to Vegas.

*Was that when Judge [Edward] Reed was appointed?*

Yeah.

*You maintained your home in Las Vegas, I assume?*

Oh yeah. I took an apartment in Reno. I came home every weekend.

*How long were you up in Reno then?*

A year.

*You were the only federal judge in Reno at that time?*

That's correct.

*Judge Foley was the second judge in Nevada.*

He was the only one down here.

*He was the chief judge, I assume.*

Yeah.

*How were the cases divided between you? Were they divided geographically?*

I was handling all of the Reno calendar and one-third of the Vegas calendar.

*There wasn't enough federal work in Reno to keep you busy?*

No.

*As a matter of fact, in the R-J, October 18, 1978, headline: "Claiborne Hears His First Case." The suit of a Salt Lake City woman who believed her purchase of common stock is in violation of federal security laws. Was that the first case that you had? [laughter] It talks about \$31,000, doesn't sound like a real big case.*

Just another day in court.

*How do they prepare a person for being a federal judge? Is there a judicial college that*

*you attended? What would they do before you took the bench?*

There were three judges in the Ninth Circuit [confirmed] at the same time. All district court judges went through at the same time. The very same week in Washington. We were given an orientation tour. Immediately, when we got home, we got a letter from Judge Browning of the Ninth Circuit. We had a week's orientation in San Francisco. We would generally know what to expect. Good God, I had participated in every aspect of what they were telling us. It was nothing new to us. I guess if there was a lawyer that had little or no trial experience, little or no experience with the system, it would be vitally necessary. I can understand like Ed Reed. I would think with Ed Reed, it was surely important, but, it was a waste of time with me. It was a waste of time with Jack Tanner, who was another one of the judges with me. I can't think of her name. Anyway, the three of us were there, took senior status. [Mariana R. Pfaelzer]

*Where was she from?*

Los Angeles. Smart as a whip, just a wonderful woman. I think I could very easily have fallen for her. We'd been in at the same time. She'd probably have been number five. [laughter]

*So, that was a one-week orientation, so to speak. Then, you went right off to the bench at that point.*

Yeah. I don't know about Mariana. I don't know whether she was around the court very much in trials. They tell you a lot of things, which went right over my head—like your conduct, your associates. That's where you get all the advice to go in the tunnel and stay



until you die. Cut off all communications to mankind. Take the radios and televisions out of your house. [laughter]

*Did you find that your friends and colleagues started treating you differently once you went on the bench?*

Oh, yeah.

*How was that?*

I don't know. I can say "yes" to the question but if you ask me why, I don't know. I really don't, but it's the truth. It's kinda like getting and having cancer. Your friends wish you well. They still like you and they still care for you, but, they kinda feel guilty to be around you. I would say there's a very close parallel to that situation of being on the bench, because I have experienced both.

*Let's talk about some of your cases. I'm going to hold off just a little bit on the Aladdin case. I know that that was a real big one for you. Who is Allen Glick? I know that the Glick case was one that was assigned to you. You recused yourself. It came back. I think you recused yourself again. Who was Allen Glick and how does all this come about?*

I don't know how it all came about. I don't remember that. The reason to recuse myself—I think it's because I made an appearance with Oscar Goodman when he got his license. In some way, I represented him personally.

*You represented Frank Rosenthal, I think.*

The license was Rosenthal's. But I had, in some way, in that licensing process, had represented the Stardust through him. I know

that Oscar did all the talking. My old friend, [Pete] Echeverria, who was chairman of the board [Nevada Gaming Commission], he said to me in the hallway, "How'd you get mixed up with these people?" [laughter] I figured they didn't have much chance of getting a license after that. [laughter]

*It looks like Judge Foley assigned that case to you. Either you recused yourself or something happened because you didn't sit on the Stardust case, as I can tell from the paper.*

No.

*Here's one on September 7 of '78, headline: "Claiborne to Hear Suit On Affidavit." It says, 'A case involving the FBI secret 150-page affidavit is used to raid the Stardust, Argent Corporation, Allen Glick and Spilotro was turned over to Judge Harry Claiborne.' What was that? Do you recall what the affidavit was about?*

The only thing I know about this is that he assigned this to me without talking to me about it. I didn't do anything, except when they put an assignment on my desk, I reassigned it to the general calendar. I found out later I couldn't do that. If a judge is assigned to a case, you can't assign it back to them. You have to assign it to what's called a general calendar. Then, you have to notify the chief judge. The chief judge then assigns it to another federal judge if there's one available. If there isn't one, then they bring one in. I didn't know that. I reassigned it back to Foley. Foley didn't know it either and he'd been on the bench twenty years. When he went to inquire about bringing another judge in, he was told by the chief judge what the hell the score was. I know what the situation was. They were after Spilotro at that time. They had a grand jury

going. They went in to Foley and got a search warrant. He was not indicted. In fact, never was. At that stage, he was not indicted. They demanded a copy of the affidavit. Foley denied it. He didn't hear it. He just transferred it to me.

*Now, it's a 150-page affidavit that they were talking about. Was that for the grand jury?*

No. It was for the search warrant.

*Did you even look at the affidavit or read the affidavit?*

No.

*Never got that far. On September 9, 1978, you were assigned the case of Norman Dacus who was allegedly a Pahrump land developer who swindled land buyers. Do you remember that case?*

I just remember what the case is about. I don't remember the facts—how many he swindled or what.

*On November 14, 1978, headline: "Claiborne Challenges Feds—Miffed at Dacus Court Time." You leveled a challenge at the government authorities about making a federal court the dumping ground for cases that belong in the state court.*

Oh, yeah. I remember that. [silence] Yeah. Didn't do any good. They still dump them.

*Here's an article on January 14, 1979. The headline is: "Claiborne 'Shocked' at Slow Justice." The essence of the article is how many cases there were pending. I think there were 300 cases pending before you in Reno and Las Vegas. The cases were coming in faster than*

*you could get them resolved. I know that that's been a big problem in federal court. Were you surprised at the workload in the federal court when you got over there or was it something that you had anticipated?*

I was shocked. Really. I was not only shocked about it, but I was disturbed and frustrated. Bruce Thompson was a good federal judge. No question about it. He is entitled to the reputation as being one of the most knowledgeable federal judges that ever sat on the Nevada bench. In other words, what I'm saying is, he had a reputation for being a scholar. He was. No question about it. I wouldn't demean his reputation in any way, but, he left the Reno court in a damn mess from top to bottom. Case-after-case. Undecided. Motions undecided. Motions not set. It took me, I would say the first six months I was there, to really get any kind of organization back into the court and the court calendar. If I had known the workload of the court at that time, I would have emphatically said "no" when [Senator] Cannon called me. Everybody who was connected with me down here in this office would tell you—my clerk, my secretary, all of them—that I was working day and night. Day-and-night. I'd go in at 7:30 in the damn morning and I'd go home sometimes at 8:00 at night. I believe five days out of the seven of the week, I would take a couple of files home with me. I'm talking about cases that I had heard and that I was to decide. I know that my friends in the FBI set out to do three things. They set out to ruin me financially. They accomplished that. They set out to take my freedom. They accomplished that. They set out to really destroy me. They didn't do that. But, what they don't know—they saved my life. I'm sure if they did know, they would not appreciate it. They really did. That's the truth because at the very end when

I was on the bench, it took me all day Saturday and Saturday night to get rested. I know that would've eventually killed me. God, I hate to say it, but I'm living because of the FBI. [laughter]

*Here's an article on July 13, 1979. "Federal Judge Blasts Bar Exam Rule." It was apparently over the fact that a person did not graduate from an ABA accredited law school and that the Nevada Supreme Court would not allow them to take the bar or be admitted after taking the bar. Apparently, some exceptions had been made in the past. Do you remember that case?*

Yeah. I remember something about it. Ray Leydecker came into my office one time. Leydecker, Sun staff writer. [silence] I don't know. Maybe this was one of my days when I was really intelligent. I'm surprised that this came out of my mouth. [laughter]

*Let's talk about the Aladdin case. That was a case that I know you were really involved in. The Nevada Gaming Commission/Control Board wanted to close the Aladdin at one time because of mob affiliation.*

Did close it.

*Did close it. You stepped in. Let's talk about the Aladdin case.*

I guess there were some bad people out there. I don't think there was anybody like Spilotro and those people. I'd never heard of any of them. But, I guess there were some bad people out there and they had a hearing to deny their license. It was a whole group out of St. Louis. The hearing, then, really turned into negotiations. Finally, the Gaming Control Board said, "It will not close. But, we want to put a keeper in there." It wasn't exactly a

receiver. It was but it wasn't. So, they put this fellow in there. Well-known. Leo Lewis. Competent. Capable. Honest. They put Leo Lewis in there. Then, the governor [Robert List] just absolutely . . . about two week down the road . . . called them all in, chewed their ass out and raised hell about what they had done and so forth. "Kick those people out." So, they come back down here and, by God, they had a meeting without any notice. They had a meeting without any notice of a change of the situation whatsoever. They met. They issued an order that the next day at 1:00 that the owners appear. The next day, they appeared. They revoked their damn license.

*And by revoking their license, they effectively shut down the Aladdin.*

They shut it down. Of course, they hurried into my court. It was Judge Foley's assignment. Judge Foley was leaving on his vacation. He sat it down for the hearing and then assigned it to me. I inherited it.

*You were with that case a long time, weren't you?*

Yes I was. I remember Charlie McNellis being there. I know I remember McNellis.

*Where was he from?*

Boston.

*Did they then apply for a TRO [temporary restraining order]? Is that what happened?*

I don't know what the hell happened eventually. I know what I did. I set aside their order and I put the same keeper in there.

*How long was it shut down then before you rescinded it?*

I think about three days.

*You issued an injunction against the state from closing it down and reopened it again. What was your reasoning for that?*

The closed-down order, nobody could deny, was penal in nature. They could not do it without notice. Their keeper was in there upon agreement. There was not a violation occurring during this period of time while the keeper was in there. You just constitutionally can't do it. You can't take a man's business from him without notice.

*There were a lot of people with jobs at stake.*

Nine hundred. You want to know something? Still get Christmas cards from some of them. Yeah. I used to get a flood of Christmas cards. I was invited to dinner in a lot of their houses. You can't believe the reaction from these people out there. Of course, I couldn't go.

*OK, so you reopened it after about three days. Then what happened after that?*

They appealed my order. While my appeal was pending, they sold it, which they intended to do all the time.

*They were trying to find somebody with a clean record—*

Oh, yeah.

*Leo Lewis eventually asked to resign, didn't he?*

Oh, yeah.

*Then you got another keeper in. Who was that?*

I don't remember who it was.

*[flipping through papers] Ed Nigro.*

Yeah. Yeah. I saw [Robert] List the other day. I'm taking my walk over there in the park and I met him. I didn't recognize him. He said, "Hi Harry." Surprised, I looked around. I looked at him. He said "Bob List." Goddamn, I didn't even recognize him. Wouldn't be surprised if people that past me didn't recognize me. Jesus, he's not all that old.

*You didn't have a lot of dealings with him, did you?*

No. I didn't have a lot of dealings with him.

*Ray Pike was the deputy attorney.*

Yeah! Good lawyer, that kid. I remember him. I think he died. He's dead. Boy, he was a neat lawyer!

*The fact is, it worked what you're trying to do. Get the place opened until it got sold and get people on the job.*

Kept people on the job.

*There was a headline. August 21 of '79: "Claiborne to Ask Bishop If He Wants His Execution." It was condemned killer Jesse Walter Bishop who came before you and you questioned him whether he wanted to voluntarily go to the gas chamber. Do you recall that?*

Well, Bishop was convicted of murder and got the death penalty—exhausted remedy after remedy without success. Finally, it cropped up in my court. His lawyers were dragging him from court to court over his

objection. He didn't want to go any further. He wanted to get his execution over and done with. I forget who his lawyer was. [Kirk Lenhardt and George Franzen] I don't know whether he had sent me a message before the hearing. My recollection is he did because of my memory of what occurred.

I think I took the bull by the horns and I went out and said, "I want you to come up here Mr. Bishop. I understand that you've instructed your lawyers not to bring this hearing." He said, "That's correct." I said, "I understand that you have not sanctioned or given consent to their actions in this case." He said, "That's correct." I said, "I understand that you want the order of your execution carried out." He said, "Yes." I said, "I want you to tell me why." He said, "Three times I've prepared for my death. Three times I have had my mother come to the penitentiary and we have said goodbye. It has now become a torture both to myself and my mother. I want to get this thing over with. I can't stop my lawyers for some reason. They filed documents in this court and that court. I can't stop them. I don't sign any of them. You will notice none of those papers have my signature on them, but, they keep going with my life like they own my life. I want it all to end. I want to go and take my medicine and get it over with." I said, "All right, that will be the order. Dismissed." That's what happened.

*And they did execute him.*

They did.

*Had you ever had another situation like that?*

Nope.

*On or off the bench?*

Nope. With all the murder cases that I had, I never had any clients convicted and got a death penalty. I never confronted it as a lawyer nor as a judge.

*August 22, 1979: "Judge Claiborne to Deliver Dobey Doc eulogy." Who was he? I know that he was quite a character.*

Dobey Doc was a character of this town. Really. He's a guy who wore a red bandana handkerchief around his neck, engineering fireman's cap, and those striped overalls that railroad people wore. He was a character. Day and night he wore, not the same ones, he had several pairs of it, but the same attire. He was an old timer. Looked like an old timer. Talked like an old timer. Definitely was an old timer. He really was an old thief. [laughter] He accumulated, I'm being kind to him, thousands upon thousands of western artifacts of all kinds. Covered wagons—authentic ones—not the same as those now, but all Conestoga wagons.

He operated what was called the Western Village, located on the grounds of the Last Frontier Hotel, in those days. It was quite a pleasure to see everything—old bars in the buildings, old player pianos. God Almighty—everything old that you can think of. Those whole grounds behind the hotel was, I guess, three or four acres, all of this stuff and a locomotive, which Dobey Doc stole from the Skelton family up in Battle Mountain. They one time owned that narrow [gauge] railroad that ran from Battle Mountain, Austin, Eureka [Palisades]. Well, he stole one of their locomotives. To this day, I don't know how he did that because I asked him. He was a friend of mine, too, and he wouldn't tell me. But, I understand that when they found out it was he that took it, they couldn't believe it.



But, he had it down there and he paid for it. Old Dobey Doc. Well, he had no family, none that anybody knew of. He died and I did his eulogy.

*Whatever became of all of his artifacts?*

I don't know what happened to them. At one time, he had a lot of that stuff over on Reno Street. But that's the only place I know for a fact that they were. I guess he began to dispose of a lot of it during his late illness. I think that the lady he lived with for years disposed of a lot of it after he died.

*In this article, it talks a little bit about him. It said he was born in 1889. He really was an old timer. Spent most of his life in Nevada where he operated a ranch in Elko, a saloon in Rawhide, a gaming hall in Tonopah, and was a casino cashier in Tex Rickard's Northern Club in Goldfield. This guy had an interesting life, didn't he?*

Yeah. He had a lot of stuff out of that hotel over there! [laughter] The guy who was involved in some way with the kidnapping of his [Sol Sayegh] little boy was tried in my court.

*Gerald Howard Burgess?*

Yeah. The FBI had his house wired. They announced about two months ago that they overheard a conversation, he and another guy, where he said he was going to kill me and Oscar Goodman.

*But you tried the kidnapping case?*

I was the judge on it. I gave him, not in the kidnapping case but in another case,

twelve years. Embezzlement from his two old friends—he took their life savings.

*On April 25, 1980, headline: "Claiborne Named Chief Federal Judge." What does that exactly mean when you become the chief judge?*

You're in charge of the whole district.

*Does that mean all the administration?*

All the administration. There's a ton of it.

*May 21, 1980, headline: "Law Firm Fee Said An Abuse." It was an \$850,000 fee charged by Lionel, Sawyer, Collins and Wartman, at that time, and the handling of an estate of Carlton Edwards. Apparently, there was some dispute as to whether that fee was proper. Do you remember that case?*

No. Well, I'll tell you, I don't know what I did with that. Probably ruled against the IRS.

*I think years ago, the standard for a probate fee would be a certain percentage of the estate.*

Five percent. It's always been five percent as long as I can remember.

*Then, at some point in time, someone started to say, "Well, the fee must represent the amount of work that was done on this case."*

That's still five percent. It's still five percent. This is really funny. Lionel and Sawyer. There was a guy that died who left a six million dollar estate. He died and left it all to American Red Cross or a cancer society. Anyway, they were in court because the lawyer charged five percent to the estate. They were representing the charity, whatever

it was. I remembered this but I couldn't remember the facts. All I know is that they did it. The lawyer called me up and he said, "You've been here a long time. Is five percent always been the prevailing fee in estates?" I said, "Yeah." He said, "Would you testify to that fact?" I said, "Sure." I went down on the coast. I'm down on the coast and they called me. The case is going to trial. They took my deposition by telephone. I'm thinking about how funny it was. They're in there fighting to do what somebody else tried to do to them twenty years ago. [laughter] It's really funny how the law practice is. [laughter]

*What were some of the cases when you were a sitting judge that stick out in your mind? I've tried to go through and pull out some. The Aladdin, of course, is the very big one. What are some of the other ones?*

See, the thing about federal court is that there are very few minor ones. In there, they are all important and large cases. I really don't know.

*Who were some of your law clerks that you had?*

Mike O'Callaghan. He's in the D.A.'s office. Career guy, I guess. He likes that work. Goddamn, he must've handled a lot of cases.

*How well do you know his dad?*

Real well.

*He was a Democrat.*

Mike O'Callaghan and I go a long way back.

*Two-time Nevada governor.*

Oh yeah. He was a tremendous human being. I guess, in my opinion, probably the best governor we ever had—really a people's governor. He's tough too. He can be tough. Nice man.

*He was a schoolteacher in Henderson.*

Yeah. He taught Harry Reid. Sponsored Harry Reid all of his life, probably. Which is good for Harry. Couldn't have had a better teacher.

*I think that after [U. S. Senator Alan] Bible retired, O'Callaghan was the heir apparent to that job if he wanted it.*

If he had wanted it, yeah.

*But decided to run for governor for a second term.*

Mike O'Callaghan has tremendous public appeal. He deserves it. You like to see somebody who is in politics that is not in it for the money. Is not selling his wares right and left to stay in office or to get into office. Who genuinely believes everything he's doing is for the good of the people. May not be, but he genuinely believes it. He was refreshing. But he was no different from a lot of the governors we've had. We've had tremendously fine men as governor in this state ever since I can remember.

*I saw an article when Alan Bible announced that he was not going to seek reelection, a number of names came up. O'Callaghan was the most prominent of course. But in that article, your name came up. Were you seriously thinking about running for Bible's Senate job or was that just part of the political scuttlebutt?*

No. I did not even consider it at that time. However, when I got into a race against Cannon.

*The Cannon race was before this?*

Yeah. But, I know I wasn't interested. I took heed to the old man up in Fallon. I handed him my card. I said, "I'm Harry Claiborne and I'm running for the United States Senate and I'd appreciate your vote. More than that, your help, if you feel inclined." He looked at me and he smiled. He said, "God, I feel sorry for you, young man. You're really going to get whooped." He patted me on the head and said, "But, I'll pray for ya." [laughter] Off he walked. I didn't know how to reply or what but I did a lot of thinking about what he said. Every day I remember it! Surely, he knew something.

*You talk about Mike O'Callaghan as being a law clerk. What other law clerks did you have?*

I had Tim Cory.

*Of course you knew his dad!*

Yeah. Knew his dad real well. Those two were tremendously helpful. Good lawyers, both of them.



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FBI AND STRIKE FORCE

*Let's talk about the problems you had with the FBI and [Joseph] Yablonsky. First of all, what is the Strike Force? How does the Strike Force differ from the regular U.S. attorney's office?*

The Strike Force was created by the Justice Department for organized crime really, investigators and prosecutors. They were all lawyers out of the Justice Department. It was a special division of the Justice Department called the Strike Force. But, as all of those investigative agencies, they may start out investigating one thing, but pretty soon, they spread out into a different area of criminality. Of course, they were here when I took the bench. I guess three of them, three Strike Force lawyers headed by a guy by the name of [Geoffrey] Anderson. I had no problem with Anderson. I had no problem with, to my knowledge, any of the FBI agents. Judge Foley was up to his neck with problems with them. He was fighting with the Strike Force all the time. Of course, they were allowed to select certain FBI agents when they came here to work for them. He was battling

with them all the time. It reached such an extent that they put on the bulletin board caricatures of a lot of us, mainly of Foley, showing him in a clown suit. They didn't abuse my picture at all. They left a square blank and my name.

*Didn't it say something like, "Do Not Take His Picture" or some kind of a wise comment?*

Yeah. Wise comment. I don't remember what it was. I didn't care to see it. Foley wanted me to go up with him and look at it. I said, "No. I'm not interested in seeing it." Jesus, I'm not going to play a kid's game with these people.

*Were they reportable to the local U. S. Attorney's office?*

Oh no. No. No.

*Directly to Washington?*

And God.



*How long do you think they had been in Las Vegas before you took the bench?*

I have no idea. I don't know. I had no reason to fight with them. I had no reason not to like them or dislike them. Never had any run-ins with them. I first learned from Foley. He told me that some FBI agent, probably Yablonsky, had filed some kind of complaint with his boss about me too. Foley was the chief judge. I guess that information was passed on to him as chief justice. I was shocked. They considered that I was prejudiced against them. I learned later on, maybe, that I granted more acquittals under 29(a) than any federal judge.

*Is that the equivalent of a directed verdict?*

Yes, it is in the federal system. They had really, among themselves, talked about it a lot. They didn't like it. Nobody ever said anything to me about it. Not even the chief judge of the Ninth Circuit. But, I found out later on that most judges denied 29(a)'s and let it go to the jury. If the jury convicted them, then they granted 29(b) when it was raised after trial. But, the jury in all of those cases removed the necessity for that. I did not know that and I didn't care. I figured it was a judge's duty, that if they hadn't made a case, to say so, but the government preferred the expense of a trial. I know that they had what was called "Yobo" investigations. They were investigating everybody—county commissioners, all public officers and everybody else. Corruption charges and so forth. I guess a couple of them fell in my court. I think there was only one in my court, but earlier than that, somehow, another United States Attorney objected and came to see me and asked me to disqualify myself. I believe it was Mahlon Brown. It was because of a statement I had made. I had made

a statement to the news, or publicly, that they had no right to do what they were doing. It was wrong.

They rented a building. They formed a bogus company. They were going to everybody, all these people, representing their company as legitimate and wanting special favors out of the various departments that they were with. Gave those people money. I publicly said that that was wrong. Not only morally, but legally wrong, that they had no right to create crime. That they only had a right to investigate someone where credible information had come to them, that they were engaged in unlawful activity and only then. Every citizen was entitled to be free from their encroachment unless they were engaged in some form of criminality and it was known to law enforcement. Then, law enforcement could pursue it. But, they had no right to create a crime, involve an individual in criminality when he may have never even thought of such things, and was not involved in that activity beforehand or any other illegal activity. To this day, I still think that that's right. Well, right then, Foley had been fighting with the Strike Force. He had refused to try any criminal cases at all. All the criminal cases were being tried by me. Here, to them, was an enemy, going to hear these cases. In fact, I may have said I'd turn them loose. I think I did.

*Was this the statement where you made some comments that you said they were a bunch of crooks?*

No. No. This is after it got heated. After I made that statement it got heated. That arose over a witness's testimony in a trial before me in which an FBI agent had lied over and over and over and over, which I said, "You're worse

than the people that you're chasing." That was my true statement, but that brought it out in the open. The FBI was almost a total creature of PR [public relations]. Nobody criticized the FBI. That was J. Edgar Hoover's prime rule. You criticized the FBI, you were in trouble. They had a reputation because of him of being "lily-pure." He didn't let anybody change that. I hurt them. I hurt their reputation. No question about it. I'm not sorry for it to this day. I told the truth. At least, one guy knows. Now, it's coming more to the front where the FBI has acted improperly. There are a lot of people that have been in the penitentiary a long time. In fact, recently, a guy in a murder case in Boston did eighteen years. The FBI had two informants that were responsible for it. They knew that their informants committed the crime. They stood idly by and watched the man get convicted of the crime and do eighteen years in the penitentiary while covering for their informants. That's only one thing that's come into the light over and over and over. I didn't believe then, I don't believe now, that the FBI agents are wrongdoers. But, too many of them with the sanction of their superiors do violate people's rights and nothing is ever done about it and it's accepted. I believe it was the way of life with the FBI until ten years ago.

*After you made that first statement, was that when the lines were drawn between you and the FBI?*

Right then. Right then. See, it started after that. They got all the Yobo cases that were going to be tried before me. All these guys: [Floyd] Lamb; [Woodrow] Wilson; the county commissioner [Jack Petitti] Petitti, who did absolutely nothing. Wilson pled guilty. Wanted to get it over with. He [Woodrow

Wilson] was a senator down in North Las Vegas.

*Was Gene Echols involved in that, too?*

Gene Echols, yeah. Gene Echols was a pious man. Very religious. I don't think he did anything. To get it over with, they offered him a deal. They had a conviction over these people. They offered them deals they had to take.

*Did any of those Yobo cases go to trial?*

No. I don't think any of them went to trial. They made a deal with them. They didn't want a trial. I think they thought that the jury would never convict any of them. I believe that. I know damn well that they would've never convicted them if they had tried them in my court.

*Were any of those cases assigned to you?*

I think two of them were.

*What happened when you first learned that the FBI was planning something towards you?*

I came out of the elevator one day. A newspaper man, I'm sure who doesn't want his name revealed, said, "Judge, could I have a minute with you?" I said, "Yes." He said, "Do you know that you're being investigated by a grand jury?" I said, "No, I don't know. For what?" He said, "I don't think anybody knows. I don't think they want you to know." Then, of course, I knew later on the developments with an IRS agent. See, the FBI could not investigate me without permission of the IRS, because they have no jurisdiction over tax cases. They had already been investigating me

and encroaching on the IRS. They found out that there was something wrong with one of my tax years.

*Now, this grand jury that you learned about, was that the one in Portland?*

No. This was in Vegas. Oh, yeah. This is number one in Vegas. Then, it petered out. A new grand jury eventually came in. They put it before the new grand jury again. They voted a no true bill. All the time, they're negotiating with [Joseph] Conforte. They make a deal with Conforte. Now, they've got some bribery charges. Now, they've got to have the IRS. So, the Nevada district court supervisor for the IRS [Gerald Swanson] said, "All right. We want to interview Conforte ourselves." So they interviewed Conforte. They came back and said, "He's unreliable. No matter what he says, it's bullshit." They started after him [Swanson]. They used the same people that they used against me. Tried to get him indicted. Swanson knew that they would remove him from this district, which they did. They sent a woman in here. Within twenty-four hours after she came in, the IRS joined the FBI investigation of me. Within three or four weeks after that, I discovered the proposition. They knocked off \$17 million [dollars] in his tax bill. Reduced his twenty-year sentence to fifteen months. Federal law is that once you're sentenced, you have ninety days to file a motion for reduction in sentence. That's the only way a sentence can be reduced. They removed his case from Reno to Washington D.C., before a judge, had a Washington lawyer file a motion for reduction in sentence. Two-and-a-half years after he had been sentenced. Then, they made that deal.

*Was that deal made before the Portland grand jury started to hear anything?*

No.

*I know that he did not testify in front of the Portland grand jury.*

No. It was made before.

*But did they present that information by way of an affidavit?*

No. He didn't appear before the grand jury. I don't think that information was submitted before the grand jury. That was the third grand jury that heard my case. This grand jury, even though they were asked for an indictment, not over Conforte's deal, but asked for an indictment of one tax charge. That [Portland] grand jury returned a no true bill. Then when they got Conforte solid, they took him to Reno. All the time, trying to avoid Las Vegas. They tried to get it on here twice, but couldn't. They got it in Reno because the Conforte part brought it within that area.

*Because allegedly that's where the bribe took place—in Reno?*

Yeah.

*Last time we met, you talked about seeing Conforte in Portland while you were sitting on a case. Why was he in the U. S.? Didn't he already run to Brazil? That was before he left?*

No. Before he left. At that time, he was on appeal. That's what he claimed the bribe was about. That I was going to fix his case in the Ninth Circuit.

*You had been his defense lawyer on the case and he said that now that you're on the bench, you were going to fix it in the Ninth Circuit?*

Which is absolutely stupid. No lawyer or anybody familiar with the court system would know that's bullshit. That's the best he could come.

*Now, there were actually two grand juries in Portland, weren't there?*

Yes.

*What was the difference between the two in terms of what they were asking the grand jury to do?*

I don't know. I really don't know. I don't know whether it was a rehash of the first one. The first grand jury never made any decision on it. They just heard all the evidence that they offered. They dragged a lot of people, like from the Horseshoe that I represented and the Binions, I was friends with them. Not innocuous witnesses that I said, were fillers. They wound up the second time with an actual decision of no true bill.

*Now, do I understand that when a grand jury is impaneled, it's for a time certain and they might expire at June 30, let's say. If they have not decided on anything that is presented to them at that time, then nothing happened. It goes away. If they want to start a new investigation, they tried a new one with the new grand jury that would come on July 1, for example.*

That's exactly right.

*So, the first one expired and they tried it again with the new grand jury?*

Yeah. But the first one expired way the hell and gone down the road. They didn't stop because of me because of the expiration of the grand jury. There wasn't any activity for six

months in my case on the new grand jury. The old grand jury, there was a lot of opposition. They had a lot of opposition. The grand jury was saying so.

*If the true bill does not come out of the grand jury, do you, as the object of the grand jury investigation, have the right to find out what was going on in the grand jury proceedings?*

Yes, you have a right under federal law to force an investigative agency to give you a letter of exoneration. That's the best.

*You don't have any idea of what they're looking into or who testified during the day?*

No.

*So then, after the second Portland grand jury returned a no true bill, then they paneled a grand jury in Reno to start, which would be the equivalent of the fourth grand jury proceedings.*

It would be the fourth.

*One in Las Vegas, two in Portland, then, the fourth one in Reno. Now, the Reno one returned a true bill. As I understand, it was several counts based on the Conforte bribery.*

There was two bribery counts and two tax counts on the bribery. Then there was two tax counts—straight IRS that did not involve Conforte.

*When you say two tax counts based on the bribery, that would be on the theory that you received—*

\$55,000!

*And failed to report it on your income tax.*

That's right.

*Now, if the true bill comes out, are you able to get transcripts of the grand jury hearings?*

No. Not until you have a right under section 1900 of Title 18 to ask for the grand jury testimony of a witness at the conclusion of his direct testimony.

*At your own trial?*

Yeah. Not until then. In other words, they could use evidence to get an indictment against you, but there's no way you can get what they said against you.

*The only time you can get that is after they testify.*

After one of those people who testified, testifies also at your trial.

*It's a real time problem, isn't it, if you wanted to use that for impeachment?*

Yeah.

*Who testified, to your knowledge, in the grand jury proceeding in Reno? We know that Conforte came up and testified against you.*

Conforte testified. Stanley Brown testified and verified everything Conforte said. The officers, the FBI agents, and the IRS agents that worked on the case—I think there were four of them.

*Did Joseph [Jay] Wright testify?*

Yeah, my accountant.

*Let's focus a little bit on Joseph Wright. As I understand, he was your accountant for a number of years*

Twenty years.

*Then, after 1979, you changed accountants.*

For the tax period '79.

*So, Wright did your 1979 income tax return. [Jerry] Watson did your 1980?*

Mmm hmm [indicating yes].

*Why did you change from Wright to Watson?*

I had sold my house.

*The one over on Rancho [Road]?*

Yeah. I had considerable tax bills. I don't remember what the amount was. Jay was my accountant at the time. I'm a little hazy on the facts. I had gone on the bench in '78, the year before. After I was nominated by the president, we started trying to sell my practice. John Manzonie had a son-in-law who was taking the bar. John and I were negotiating a deal. In fact, I thought we had a deal. So, I didn't start looking for anybody else.

*You were to sell your law practice to John Manzonie?*

Yeah. I don't know what happened. Either the son-in-law didn't want it. He practices with his brother over here—Massi—the Massi brothers. One of those brothers was Manzonie's son-in-law. Anyway, something happened right at the end. I didn't have time



to dispose of it. So, I sold my library, farmed out the cases that I had to Jim Brown and Annette Quintana, who was working for me. Tried to get what I could get out of it. Gave them a lot of law books from my library that I didn't have time to sell. My ex-wife lived over near this guy's office. I went to have lunch with her one day. I picked her up and had lunch. She said, "I gotta go by my accountant's office." So, I'm driving and I expect it to take just a minute or two. She went up to his office. She came back down and said, "He would like to meet you. Would you please come up. He wants to meet you." I said, "Sure." So, I went up. You know the old story: heard all about you, always wanted to meet you and so forth. He said, "I hear that you really took a loss when you went on the bench from your law practice." I said, "Yeah. Where'd you get the information?" He said, "She told me. We were talking about you one day." I said, "Yeah." He started asking me questions about it. I told him. He said, "You know, you can recoup that. I'm pretty sure. Would you like for me to look into it and see?" I said, "Sure. Hell yeah." I wasn't too happy. I wasn't going to use Jay anymore because I didn't need to. He had been my accountant for my office. I didn't have any practice. I didn't need him anymore. All I needed was a tax preparer.

But I hadn't canned him. I just told him that I had made up my mind and I wasn't going to use him anymore. But I had told him there wasn't much of the work that he used to do. I think he knew it, even though he testified that he did not know it. Anyway, I got a letter from him [Watson] one day right out of the clear blue sky. In fact, I had already forgotten him. He said that he had been working on it and it looked good. Looked promising. Then, one day he came in the office and said, "You

can do it." I sat down with him and went over my income with him. Got it all together and gave it to him. He figured it out. Took advantage of my loss. Found out later he couldn't do it. I could've taken some of it that tax year. Couldn't take any of it immediately. This was what got me in trouble with him.

*Was Jay Wright upset with you for changing accountants?*

Yeah.

*You mentioned that he did testify in the Reno grand jury proceedings.*

He lied like a son of a bitch. He lied like a bastard. That year, I had a tax deficit of \$8,000 in a year in which I had netted close to \$400,000 in an individual practice of law. God, that's strong. We found out later, I owed in tax, I think, that amount over what I declared and paid. I had paid something like \$140,000 in taxes. I actually owed \$150,000. They convicted me on that year. Can you believe that? They questioned Wright: "Where did you get this figure?" "From Mr. Claiborne." "Where did you get this figure?" "From Mr. Claiborne." Which was a damn lie! He took care of my office taxes. He was the accountant for my office all that year. He knew all the figures. I didn't know none of them. I didn't know any of them. Until he presented me my return, I knew generally what I was making. I knew what I had in my bank. I was making so goddamn much money that I just knew I had a lot of money in the bank to do anything I wanted to do with.

*Did he come in on a quarterly basis into your office to work on the books?*

No. He came in on a monthly basis.

*He did your bookkeeping and the whole—.*

Oh, yeah! After I was convicted, during the impeachment, we discovered what the truth was, why there was a discrepancy. He had lost my file. His office manager then was watching my impeachment on C-SPAN and he had testified. She knew he was lying through his teeth. She called the clerk of the Senate. He got word to the chairman of the committee that was hearing the evidence. He told my lawyers. This was right at the end. Then, my lawyers asked permission to call her as a witness and to send for her. They denied it and said she could do it by affidavit. She sent an affidavit to them. What happened was, he lost my goddamn file. He called me up and he said, "I gotta have some more information." He started asking me a lot of things that I had already given him and had already gone over with him and he already had! I had some collections outside. My records. I gave him those. I had some financial transactions outside my business. I had given him those. He started asking me about income outside my practice, like investments. I said, "Jay, I gave those to you." He said, "I don't know. I don't think you did." I said, "I know goddamn well I did. Look in your file and you'll see the amount." So, I didn't hear from him. I called him. I said, "Did you find the amount?" He said, "Yes." Well, he didn't. He didn't have anything. He lost my file. So, he made up a bunch of f\*\*king figures. Got all my office taxes correct, but my outside income was off. He took the return before. We found out later what he did. Said on the witness stand, "I got this from Mr. Claiborne. I got this from Mr. Claiborne." He didn't get it from me at all.

*I thought that he testified, and was adamant in his testimony, that he never lost any materials for anyone.*

Yeah. He said that.

*Then, there was a woman who came in and testified that a few years before he had lost a bunch of things, but they wouldn't allow her to testify. What was his motivation for testifying that way relative to you? Was he that mad at you?*

No. He was scared. They scared him to death. He did a lot of lawyers' tax work, including John Mowbray. They scared the living hell out of him. I'm going to tell you a story. He had a brother-in-law named Christopher Tezores. Christopher and his brother ran a restaurant called the State Café right across the street from my office where I started my practice up on Fremont Street. Of course, everybody around that area ate there. I ate there every day. I knew both of them real well. He married their sister. Jay and I had been at the airbase together. We knew each other. Not well, but we knew each other. Eating in the restaurant, I ran into Jay. He stayed. He [Jay] married their sister and he stayed there. He did like what a lot of us did. We discharged. We came back here. That's how he became my accountant. I knew both brothers. Chris walked into my office one day, about three years ago, or two years ago. He said, "You know, Jay's in the hospital and he's dying." I said, "Yeah." He sat down. "He asked me to come and see you and ask you to come out and visit him. He wants to tell you what went on in your case. He wants to apologize." I said, "Well, you go back and tell the son of a bitch to make his apologies to God. He sure as hell is not going to have

an apology accepted by me.” He said, “All right, I’ll tell him.” Then, I saw in the paper a few days later, not a few days, maybe a week, maybe a month later, where Jay died. I may have let my anger and disgust with him cause me to miss an opportunity to help myself, but, I think what he wanted to do was tell me the truth and apologize for lying.

*You think that he told his brother-in-law what he wanted to tell you?*

No. I know he didn’t. I asked him. Later on, I asked him.

*Do you have any suspicions as to the pressures that they put on Jay Wright?*

To testify in the beginning? Oh, we know that! We know that because he was sicker than hell when the FBI had come to see him. We know. We know. We know and we don’t know. We know we don’t have any absolute proof of it but enough things that occurred that we know.

*What was physically going on with him?*

I don’t know. I think he had a stroke. But, I know that when he testified he was sick then. His wife was right with him and helping him all the time.

*What do you believe the pressures were that were put upon him to testify?*

Oh, I think they told him they were going to destroy his business. They could have and would have. He knew that.

*In looking at the information, one of the key issues relative to him was whether or not he*

*had gotten a certain income figure from you that was delivered by way of a letter by your secretary, Judy Ahlstrom. Was that one of the key issues in that case—whether or not you reported that income figure to him?*

Oh, yeah. What I’m telling you about is when I gave him the correct amount of my investments. I wrote a letter. Judy brought the letter in. I came in from the bench. She brought the letters that I had dictated, including that one. I signed them. I said, “During the lunch hour, would you please take this down to Jay Wright?” She knew him well. So, she did. They claimed she did not. No such thing. She testified that she gave it to Mrs. Wright who was in his office. Connie [Wright] said, “She did not.” She’s just trying to help me. But, the lady who called the Senate gave us an affidavit to the effect. The affidavit that came to them stated that she [Ahlstrom] brought the letter and gave it to her.

*Rather than Connie.*

Yeah. They do look alike.

*So, Judy was mistaken to who it was.*

Who she gave it to!

*But it was somebody in Jay Wright’s office.*

Yeah. She thought it was Connie, his wife. But, she didn’t. The lady said she [Ahlstrom] gave the letter to her. She put it on Jay’s desk.

*And this didn’t come up until the impeachment hearing?*

Impeachment hearing.

*I saw in some of the documents that when Judy testified in Reno that she was sequestered during a break. Neither you nor Oscar [Goodman], your lawyer, were allowed to talk to her. What was that about?*

They had her in cross-examination and a recess came. The judge says, "You're sequestered in the custody of the bailiff. You are not to confer with Mr. Claiborne or any of his lawyers during this recess."

*Did he do that with any of the other witnesses?*

Hell no. Never.

*Have you ever seen that before?*

Never! That you can't talk to your own witness? I think what he thought was that he didn't want us to correct anything that she had said, but, she hadn't said anything. She didn't have anything to really lie about.

*That she just took the letter over?*

Yeah.

*It said that she was flustered on the stand. You argued that you wanted to talk to her to try to settle her down a little bit. Do you recall that?*

That was later on. That didn't have anything to do with the sequestering bit. Later on, they pounced on her and started yelling at her. She began to cry. She looked up and just began to cry. He said, "Do you want a recess?" She said, "Yes." I didn't say anything to her, but, Oscar Goodman asked for the recess.

*Now, this was different than the one where she was sequestered?*

Yeah. It was after that.

*Afterwards, huh? I read someplace that there was some discussion about correcting the grand jury testimony of Jay Wright. Does that sound familiar?*

Yeah, but I don't remember what it was. The government called him back to correct something. It was rather material. I know it was a correction in our favor.

*Did all this happen in the first Reno trial, which ended in a hung jury or was it the second trial?*

First trial.

*Did Watson testify? Did he testify at both of the trials?*

Yes. Yes.

*Wright testified at both of the trials?*

Yes.

*The first trial was where the bribery charges were part of the case. Did Conforte testify?*

Yes.

*We know that in the second trial, the Conforte charges were dropped. Is that some indication how he was perceived by the jury?*

I don't know how he was perceived by the jury, but, in the first trial on the bribery counts and the tax counts relative to the bribery counts, the jury was ten to two. On my two tax counts in the first trial, the jury was nine to three [for acquittal].

*Was there any public explanation as why to they did not re-file on the Conforte charges for the second trial?*

Yes. What did they say? They didn't say he falsified testimony. They skirted it with "unreliable."

*But he'd already made a deal by this time?*

Oh, yeah. Oh, yeah. He was doing his fifteen months. Yeah. Did five. Did five of the fifteen.

*Judge Hoffman was the trial judge for both of those cases. He was from the East Coast—Virginia. What were the circumstances for Judge Hoffman hearing your case?*

Well, his appointment was illegal to start with—he was picked by Supreme Court Justice [Warren] Burger—handpicked. He also had been handpicked by Burger in [Vice-President Spiro] Agnew's case. Everybody maintains, even federal judges have told me, that he was handpicked. His job was to convict me. He did. He helped. Not exactly in what he said, but the way that he spoke. And demeanor. He made it plain that that's what he wanted done.

The system is that if Nevada judges had to disqualify themselves, had to recuse themselves, if any one of them had not pulled in, a Nevada judge would have been selected. But Nevada judges did. At that time, on the bench was [Lloyd D.] George and Foley. Both of them have said that they were asked by the chief judge of the Ninth Circuit to disqualify themselves. Browning. Then, if all the district judges in the district disqualified themselves, then the chief judge of the Ninth Circuit selects a district judge from some

other district within the circuit. I am also told that Browning was told by Burger to designate Hoffman, even though he wasn't in the circuit. He did. Now, this is what nobody can figure out: During my investigation, my case was assigned to Hoffman who went to Portland and sat there while the grand jury was meeting every day. Doing nothing. In case a judge was needed. His appointment was by Burger, or I've been lied to. But, in order for it to be by Burger, he had to go to Browning. None of the district judges in Nevada, there was only two or three at that time, was contacted with reference to it. Nobody knows whether there's an official assignment. Official assignments are not open to the public or council.

*What was the purpose of him being in Portland?*

Nobody knows.

*Would a judge typically be present during grand jury hearings?*

He was used once, in fact, because Jack Binion took the Fifth. Then, they brought him before the judge to make him testify. It was Hoffman.

*Is it common that someone would be tried in front of a judge who would oversee a grand jury investigation?*

I guess it happens a lot. Actually, the chief judge is the grand jury judge. A chief judge might participate in the grand jury proceedings in some way and still be the trial judge coming up on the calendar.

*But the point on this one though, is that Hoffman isn't even in this district—*



He's not even in this district! Not even in the circuit!

*He's being brought in twice? For the grand jury and the trial?*

Yeah.

*An assignment like that would have to come from Burger?*

I know it's Browning's assignment. I knew Burger don't have a damn thing to do with it.

*So, the chief of the circuit would be the one to make the assignment?*

Yeah. And he did! Burger told him to.

*Was Hoffman a senior judge? Was he a senior judge on senior status?*

I think so. One of the funny outcomes of my trial: there is an award every year of the best federal judge and the best United States prosecutor. I know the judge gets \$12,000 in cash and a trip somewhere. I don't know what the best prosecutor gets. They were both awarded for my case.

*Really? Hoffman for the judge and who was the prosecutor?*

Can't think of his name. [Steven Shaw and William C. Hendricks]

*Let's kind of go back a little bit. You learned of the Las Vegas grand jury investigation, which went nowhere. Were you aware of the Portland grand jury investigations as they were going on?*

Yeah, because witnesses that were subpoenaed from here had called me up and told me they had subpoenas.

*Jack Binion would be one for example. Were you still hearing Strike Force cases at this time?*

I think the Portland grand jury—yes. Reno grand jury—no.

*In your view, were you having problems with the Strike Force lawyers at that point?*

No.

*Was that still Geoff Anderson and his crew?*

I don't recall any problem with Geoff Anderson. I know he and Foley were fighting all the time. I know that Judge Foley was very frustrated with him about a lot of things. Judge Foley thought that he came here with a preconceived idea that Judge Foley was owned by the gaming interests. I think Judge Foley was right. They did indicate it, I'm sure. They didn't trust Judge Foley when they came here. This is one of the puzzles of this whole thing. Circumstance created what happened to me. Had it not been for their feelings about Judge Foley and Judge Foley's, I guess you'd say less than courteous attention towards them, I would've never been involved in any way. Judge Foley refused to recuse himself. Judge Thompson said there were no grounds to disqualify him. If he wasn't refusing to hear any of their cases, then I would not have been the point man. I would just be handling my cases. Of course, I would've not been in a position to shoot my mouth off about how I felt about what they were doing and that corruption thing. So, they would not have had to get rid of me. They knew to win their Yobo

cases, they had to get rid of me. They knew they could do it either way—by mudding me up so that I couldn't hear cases where they were involved and certainly, by saying what I said. Either way, they'd get rid of me.

*Was Geoff Anderson the point man on the Yobo stuff?*

Yeah. But, it was head of the FBI's baby.

*Would Anderson take his orders from Yablonsky?*

In that case, he was. They turned them over to him. None of them were organized crime cases—pure local corruption cases.

*Have you ever talked to any of the people like Geoff Anderson or any of them after all this ended?*

No. See, I had a lot of FBI agents for me. A lot of them were friendly with me. A lot of them knew I was getting screwed. A lot of them didn't like it. Expressed it to me.

*They had their careers to think about, too, I guess.*

Yeah.

*Where is Geoff Anderson now?*

I don't have any idea. Geoff Anderson was a smart lawyer. He was gung-ho. He was a man totally without any compassion at all. He was a bloodless machine. That's how he did his job. That's how he dealt with people. He was perfect for the role that he occupied. I don't think there was anybody that he could have prosecuted that he wouldn't have gotten

a lot of glee out of their conviction, personally. He was that way. Otherwise, he wasn't a bad guy. I had no trouble with him at all. I wasn't friendly with any of them because I'm in a role where I can't be friendly to anybody. Can't be friendly with the prosecution. Not friendly to the FBI. Not friendly to the defense. Even though I know that Yablonsky said over and over and over that because I was a defense lawyer, I was prejudiced against them, which isn't true.

*Geoff Anderson is not the one that tried the case in Reno?*

No.

*Why did he not try that case?*

Well, Washington took it over.

*The person that tried the case—was he a Strike Force lawyer as well?*

No. He was head trial lawyer for the ethics section of the Justice Department.

*So, Geoff Anderson's role was to investigate the case and get it to the point for trial?*

No. No. He had nothing to do with it except the first grand jury. Then on, they sent a guy from Washington.

*So, Geoff Anderson's only role was involved in the first grand jury down here?*

The first grand jury; they took him out of it all together.

*Who was in charge of the grand jury investigation in Reno?*

The two lawyers they sent out. I can't remember either one of them.

*They were the ones that prosecuted you?*

Yeah.

*Let's talk about Jerry Watson. He testified in both trials, didn't he?*

Yeah.

*What was his testimony like? Was he antagonistic towards you? Did his testimony hurt you?*

Actually, what happened was the first trial, he appeared to be dumb. They attacked him; things that I didn't even know about. I would have never let him around my taxes. He sent out letters. He had crazy logos on his stationary indicating that he could guarantee you a break with the IRS, and all that. He was not near, on the witness stand, like he was when I first talked to him. He was businesslike. I know now that he got a phony call. He was referring to the doctor—doctor this, doctor that, doctor this. I think it was somebody at his outer office.

*I'm not sure I understand what you're telling me.*

Well, he was interrupted two times by calls. He was talking to the doctor about the doctor, and the huge amounts of money involved—like three or four hundred thousand dollars. Talking about that and this. The tax court had indicated this and indicated that. He's hedging himself with that guy. I kind of picked up on that, but way too late. My ex-wife and he and I were all at his office and he's

talking to me about this thing. He thought that I could take advantage of my losses in closing my office, which was reasonable, but, I'm not a tax lawyer. Frankly, I was sold a bill of goods as far as those statements were concerned. But, at the same time, he was honest. He said, "I'm not sure of that. That'd be something I'd have to work on and research. With your permission, I'll do it. But, there's no commitment." I said, "Sure." Two calls [from a doctor]. A doctor and one call, supposedly from a doctor. Right after, there's another one where huge amount of taxes are do this, do that, do this. You can take this and you can take that. I'm sitting there and now, I know it was somebody in his goddamn office, two, three people. It was a bogus call to impress me. He wanted this thing. I guess he wanted it. I figured out what the son of a bitch said. Never in a thousand years would I get involved with him. The funny thing about it is, talked to Bruce Hochman. Talked to Bruce way after this thing is over. Bruce said, "You know, there's tax court cases so holding that you're wrong. But, by God, there's a lot of tax principles, where if considered, you're right. In my opinion, you were entitled to pick it up, if you picked it up within three years."

*So, when Watson testified, he acted dumb during the first trial. Did he improve on the second trial?*

Nah. He got worse.

*This was the one where you signed the tax return in blank?*

No, that was Jay.

*Oh, that's Jay? Which one was it that had the strange arrows pointing? Was that Jay's?*

That's Watson's!

*That was Watson's. It looked like it was a worksheet rather than a—*

Yeah!

*Did you ever talk to Watson after the trial?*

No.

*Is he still around?*

He's dead. You know, who he got a job with afterwards? This is unbelievable. Immediately afterwards. This always made me damn suspicious. He didn't help me. He didn't hurt me too much. He hurt the hell out of me but he didn't hurt me intentionally, I don't think. But, he was such a goddamn rube, I thought. Immediately after this goddamn trial, he went to work for HUD [ U. S. Department of Housing and Urban Development].

*For HUD?*

Yeah! Made me suspicious that this rube bit . . . maybe his whole thing was a put-up job. They had spent two and a half years following me everywhere I went. I know that they broke into my house. We never could prove it. We tried. See, I had all my financial records in my house. Where else am I going to put them? I'm not going to leave them in my office—my personal papers. I know that they copied it. A guy [Johnson] admitted it later on. Then, they got on him and he reversed himself and denied it.

*OK, let's talk a little bit about that. When does this break-in occur at your house?*

I don't know. All I know, it was during this investigation.

*Oh, so it wasn't a situation where you come in and your house had been ransacked.*

No.

*It was just things appeared later on that were from your personal papers.*

I knew that they had been around. I kept a financial journal—an absolute accurate record of all my financial transactions. They copied it. I know it. I told Oscar, "I think the son of a bitches were in my house. I think they searched my house without a warrant. I'm absolutely certain that they bugged my house." I asked the federal judges if they issued an order to let them. They had not. But, I found two wires.

*In your own house?*

We turned those over to Eddie LaRue, who was working for us at the time. I knew. I told Oscar, "I'm sure they made copies of everything that they figured might interest them." When we got our discovery from them, I'm looking at it. I told Oscar, "You want proof now that them son of a bitches searched my house without a warrant?" He said, "How does discovery show it?" I said, "Look." I took the journal. All of the entries with the individuals involved, people that I had loaned money to, interest I had collected, money that I had received—everything! A record of it, in and out. We started with those names. Every single one of them, to the bottom of the list, were subpoenaed. There were at least six or seven transactions they would've never known anything about because they were

transactions where all you had to do is declare the amount.

*There were no other records anywhere of all these people?*

No.

*I know that there was an affidavit that was filed by Johnson. Who was he and how does he figure into this break-in?*

Johnson was in jail up in Elko. He sent word to a private investigator that was doing some work for us whose name I forget. This private investigator had worked with Johnson on another case. Johnson sent word to him. He asked him information about my house being broken into for the FBI. This is after I had pointed out to Oscar about the names. This investigator came to Oscar and goes, "This guy's in jail up there. I know him. He contacted me and he said he has some information. Do you want me to go and interview him?" He said, "Yes." So, he went up and interviewed him. The guy told him the story that a guy, who was an informant of the FBI and a friend of Yablonsky's, contacted him. The two of them went with two FBI agents and got into my house [at Spanish Oaks]. They had a key. He had him draw a map where my house was. He told them what gate they went into. It was a back gate and it was off of Oakey.

They parked across the street. A car went in and they followed another car in the gate who had a clicker, I guess. They went in the back gate by following somebody in. He gave him a map of where my house was inside. He was incredibly accurate. The FBI agent had a key. They had trouble with the key. I was, at least, not at home. They finally got my door

open. He described to him where my den was in the house. It was done in Indian motif. I had a lot of Indian baskets and artifacts and everything else; headdresses and everything else in my den, which I did have. The rug on the floor was an Indian rug. At that time, I had a lot of guns. I had a huge gun case. He described it. It was handmade and it was very artistic. He described it. He described the drawer that my ledger was in. He described the ledger. He said that they took a camera and on my desk, they took a picture of every page in the ledger. Put the ledger back. It was too goddam accurate that it could not have not been the truth.

*Johnson was one of those people?*

Johnson was one of them.

*How many others were there?*

Four of them all together.

*Was Rybar one of them?*

No. I don't think.

*How about Caputo?*

Yeah, I think so. I don't remember Rybar being one of them. I do remember Caputo being one. That's about all.

*So, he [Johnson] gave you an affidavit to this effect.*

Yeah. They used it in a motion, a new trial.

*This came out after the conviction?*

Yeah.



*Oh. Now, did you say that Johnson recanted some of that?*

I don't know. I don't know whether he did or not. I know they offered it as evidence in trial; both sides called witnesses. He was a witness. I was in prison during this. I don't know.

*Well, you didn't get a new trial as a result of this?*

No.

*Let's talk about some of the other pressures that were put on you. I know that the FBI contacted Eddie LaRue concerning some wiretaps that he supposedly did at your direction for some cases. Who is Eddie LaRue?*

Eddie LaRue is the oldest private investigator in this county. I guess, he's not as active as he was at one time now—very, very talented investigator, just a super good person.

*Is Eddie still alive?*

Yeah.

*What was the claim that they were making against you and Eddie?*

That he bugged a house for me and recorded a conversation between some people, which was not true. Didn't do it. He didn't bug anybody for me.

*How did Chuck Lee come into this?*

Because they had busted LaRue. In his car, they found a report to me involving surveillance. They had this case of people who had found a bug in their house and reported

it. They were trying to convert that case into his surveillance for me. They went to him. They offered him a deal. They worked hard on him. They were investigating the hell out of him to get enough on him in other cases, which they did. I thought they did. In four cases, they could get a federal indictment. They were going to use that to roll him over and get him to say that he had tapped this house for me, so they could get me. Up to this point, they got nothing on me. They had absolutely just looked over every rock in this county. They hadn't enough information anywhere to indict me on anything. I think they started out "It's going to be real easy." I was a criminal lawyer, primarily. They thought it would be real easy. But it wasn't. Then, they were trying to find anything. This was not the only one. The people, they were trying to get them involved. But anyway, they talked to Eddie. Eddie came to me immediately and told me what was going on. Right after that, they indicted him. As it turned out, we found out later on, they had run a Trojan horse or a stalking horse. They used the police department to try to steer this thing against me so they could indict me federally.

[Sheriff] Ralph Lamb called me. He said, "There are goddamn allegations out there." I said, "Oh? OK." He said, "LaRue denies it." I said, "LaRue's truthful." He said, "They don't believe it." I said, "Who is they?" He said, "The FBI." I said, "Well, they believed it so?" He said, "Yeah." I said, "All right. I want a test." He said, "You don't have to. I'm not asking you to, judge. I'm just telling you what the situation is. I want to. Arrange it and I'll be over." Hell, I never saw Chuck Lee in my life. I went over. Ralph called me up and said I was to meet so-and-so. I can't remember the guy's name but he was the guy who was doing

a lot of the lie detector tests. He said to see him at a certain time. I go over there. Chuck Lee introduced himself. He said, "He had to go somewhere in a case or something and I'm going to do your test." I said, "Fine." He did it. Said I passed. The whole thing was a waste of time because they didn't believe it. But, they called him before the [Las Vegas] grand jury. Grilled the hell out of him. Asked him about a copy of his chart. He gave it to them. They offered it into evidence and kept it. Then, they called the head guy from Washington D.C. in the FBI. He took the stand and says, "It showed knowledge of criminality." It said I lied, but, they said he [Lee] was incorrect. He said it showed I had guilty knowledge. I called up Lee's boss, a captain over there. I said, "All right, here's what's happening." He said, "Yeah, I know." I said, "I know goddamn well that this guy's a plant who came in here. I don't know whether I can demand this or not, whether it's legitimate, but I'm asking you to do this. I'm going to write you a letter today asking you that you pick out three members of the association and send the charts to them, asking them to read it and what it relates to them." He said, "I'll do it. Damn right I'll do it." His name was Captain Connors. So, Captain Connors picked out five names out of the registry of the association of lie detectors and sent the file across the country. He got a report back that all five of them indicated that I was innocent. All five!

*Did you learn the name of the fellow from Washington D.C. that came out?*

Oh, yeah. I knew it a long time ago. I don't remember it now, but he was head of the bureau.

*I understand that Chuck Lee was then reassigned to some type of a desk job.*

Oh, the FBI went to put more heat on him and the police department. He was a homicide investigator as well as a polygraph operator. They relieved him of his homicide detectiveship. Removed him to traffic desk or something, a desk job.

*Who in metro's office would make those assignments?*

The sheriff. [John] McCarthy.

*Did anybody ever talk to McCarthy about that?*

Yeah. He refused to talk to us about it. Yet, he knew. He raised hell with Connor for doing what he did. Connor did it without his permission.

*I think Chuck Lee eventually retired from the metro not too long after that, didn't he?*

Oh, yeah. He went to work for the D.A.

*Did you ever talk to Chuck Lee about this afterwards?*

Getting demoted? Yeah. He told me immediately when it occurred.

*Eddie LaRue actually went to trial in Reno and was acquitted.*

He was absolutely told by them. Two agencies came to see them. Then, they tried to convict him. I think it was five counts.

*Let's talk a little bit about the American Express bill that you received that had Tom O'Donnell's information in it. Tell me that story.*

Tom drank at some Italian place, at the bar. I was never in there with him. The guy

[Gus Gallo] pled guilty to bookmaking. I know Gus. I never was in this bar with Tom or anybody else. He pled guilty to bookmaking. I don't remember what I did. I think I gave him probation. Tom had called me the day before he was sentenced. Told me that this was a nice, hard-working guy. Runs a little old bar. Told me something about the guy. I told Tom, "Yeah, I see all of that in the report." He had too much respect to try to fix the sentence for me. He just wanted to know that he was in it. I laughed and I said, "I know all about it Tom and I appreciate you calling me." Which is ordinary. Sometimes, for sentencing, you'd get phone calls from a dozen people. Oh, tons of letters and phone calls. All of us got them.

I'm opening my mail, by God, it's addressed to me. American Express. I pull the bill out. It was Tom O'Donnell's bill. I called him up. I said, "Tom, I got your American Express bill." He said, "What are you doing with it?" I said, "It came in a letter that was addressed to me but it's your bill." He yelled out to his secretary, "Did I see an American Express letter out there on your desk?" She said, "Yes." He said, "Just a minute." He tore it open. He said, "Goddamn, this is your bill." [laughter] We had some fun out of it. Somehow they knew that Tom had called me. They must've had a goddamn tap on my phone or his phone.

*Did he call you at the courthouse?*

Yes.

*So, what did you do? Did you call American Express?*

I wrote them a letter. They wrote me and said they could not explain it. [Laughter] God, there was so many things. Jesus.

*We talked a little bit about another incident that involved a sting operation with Gerald Swanson who was the director of the IRS for Nevada in Reno. As I remember you indicating, the FBI needed the IRS agreement in order to cut their deal with Conforte. Gerald Swanson refused to go along with it so they needed to get Swanson out of the way. They set up a sting operation involving Peter Perry and two brothers, Alex and Peter Lemberes. Tell me about that.*

One was a Green Beret. Lemberes.

*I think that was Alex Lemberes.*

Yes. Yes it was. He was a colonel. My memory's not too good about all of the facts. What I do remember is accurate.

*Swanson's best friend was Alex Lemberes?*

Yeah. It was Alex Lemberes. They were very, very close. There was a brother named Pete. I represented Pete Lemberes in a criminal case when I was a lawyer. They sent Pete Perry a briefcase full of money. I don't know how much. Set up a meeting with Pete Lemberes.. They did. They wanted Pete to give the briefcase full of money to Alex. Alex was a man everybody in Reno respected. Alex was supposed to give the money to Swanson in order for some consideration of something to do with Conforte's taxes. There was a meeting, a meeting where he's wearing a wire. The whole thing is relaying who's who, who what, and how this is coming down. Pete [Lemberes] left apparently with the money. He's not too damn honest but he goes to his brother and tries to sell the brother [Alex] on this deal. I guess Alex told him to go to hell and get the hell out of there. He didn't want to hear anything about it. Then, they bust

this thing to the news. WHAM! They begin to call Pete and all the men involved before a grand jury, knowing damn well that the IRS doesn't know anything about what happened until Alex told him. Of course, they did it all so the IRS would move him [Swanson]. Same old players. It worked.

*Didn't one of the Lemberes end up pleading guilty to something? Does that sound familiar?*

I guess the deal had to do something with conspiracy to do that.

*What about Pete Perry? He's a lawyer, was he sanctioned by the bar or anything?*

I think he was disbarred. I'm pretty sure. I don't know what the hell that case was about but there was one where he was convicted. Conforte was indicted with him in that case—something to do with the whorehouse. See, after he did his fifteen months, his record was cleared. He stayed in Nevada. He went back to the whorehouse and begun to run it. Then, the IRS came down on him for the rest of the money that he owed him. They knocked it down seventeen million to five. Then, he owed eleven. They went after him. Then, they pulled some scam about the sale of the whorehouse. Perry represented him on it. They both got indicted. Perry was in Nevada, of course. They nabbed his ass [Conforte] and, once again, I'm sure, since he was their darling on my case that they told him, "Hey, you better plea again or we're going to have to pick you up." So, he went to Peru. He's now in Peru. Nobody's ever gone after him.

*Had Stan Brown died?*

I don't know.

*Why would Pete Perry be representing Conforte, doing all this stuff, if Stan Brown had been his lawyer for all those years?*

I have no idea.

*Peter Perry is a much younger man than Stan Brown.*

Yeah. You can bet that he [Brown] was in the background somewhere. You can bet on that, even if he's retired. I don't know anything about him [Brown]. Don't want to know anything about him. The last I heard from him, he was over in one of those South Pacific islands.

*But his son is still practicing in Reno?*

Yeah. Always liked his son.

*Swanson was transferred from Nevada to some other jurisdiction—Denver. Did you ever talk to Swanson about any of this?*

No. No. Talked to his lawyer, many times. Peter Echeverria. Pete died. They tried to involve Echeverria, too, in my case.

*How was that?*

I don't know. It's an absolute mystery. But Brown was going to testify before the Portland grand jury about something to do with my case. He went both to Echeverria, who was a friend of mine and who was Swanson's lawyer, and John Drendel, who was my friend. Tried to involve them. He claimed that Drendel came to him, on behalf of me, and spoke to Echeverria to get him to testify for me, which was a goddamn lie. These guys tell me it was a lie. Of course, I

believed them. They wouldn't be going to a witness to get them to testify favorably for me or get some guy to testify to the truth when they were not involved in my case.

*Is there a formal explanation as to why the Washington judge, I think it was John Lewis Smith, was assigned to Conforte's case to implement?*

I don't know. I never heard of this judge. But, by God, he got it transferred from Reno to Washington. I understand that the Justice Department arranged for him [Conforte] a lawyer and arranged for the transfer and arranged for the judge.

*On the second trial in Reno, the Conforte charges had been dropped. They weren't part of the second trial. Why was Reno, then, the jurisdiction for the trial for strictly on your income tax issues?*

He wouldn't transfer it. We petitioned the court to transfer it. He wouldn't transfer. It should have been transferred down to Vegas when all the Reno allegations went out.

*Did you ever have any personal conversations with Joe Yablonsky?*

No. Never.

*Let's talk a little bit about the impeachment hearing. How would they have differed from the criminal trial? Was it the same witnesses?*

Yeah, same witnesses, every single one of them.

*Were your witnesses essentially the same?*

Yeah.

*I know that [Utah Senator] Orrin Hatch made some very strong comments on your behalf. What was his role?*

He was a member of the committee that tried me. He was convinced that they were out to get me from the very beginning. He said so. He spoke for me on the floor of the Senate. He worked hard for me. He thought Yablonsky came to Las Vegas to clean it up. He thought it was Sin City. Yablonsky felt that I stood in his way. He's going to rid the bench of me. He didn't care how he did it and he was about right.

*I saw where Hank Greenspun testified at the impeachment hearing. He testified that within two days of Yablonsky's arrival in Las Vegas, Greenspun met with him at Yablonsky's office. Yablonsky told him at that time that he was going to get you.*

Yeah. Since I got home from prison, I've had the same information from a source very close to him, very close to Yablonsky—that I was a target when he arrived. I cannot understand that. I know it must be so for the person that told me, told me in confidence. That was a staff member of Yablonsky's. I've got to believe it's true. I would see no reason why Hank would say that. Everything indicates he would know. Hank Greenspun was no friend of mine. He was no friend of mine. In fact, he used to criticize the hell out of me a lot. In an article, he used to refer to me as the "Mouthpiece." He never wrote one favorable column about me other than Jack Entratter's trial. He wrote a very favorable column about my defense of Jack Entratter. Jack Entratter was one of the owners of the



Sands when the Sands Hotel was one the most prominent hotels in town. Manslaughter case. He had a very prominent New York man in his automobile. Ran through a stop sign out in the valley, on a gravel road. Slid through the stop sign and hit a car. Killed a woman. I represented him and got him acquitted. I guess Jack was a good friend of his. But I know, I know that that happened. I believe it happened because Hank called me up that afternoon. He said, "What time are you going home?" Of course, I lived over on Rancho, which wasn't too far from his office when the *Sun* was located over there on Martin Luther King. He said, "When are you going home?" I said, "I'll go home probably about six o'clock." He said, "Stop by my office. I want to talk to you." So, I did. I didn't get there until seven o'clock at night. He told me what it was about. I laughed. I'm not a fearful person to start with. I thought, "This is crazy. Some cop popping off." Well, he wasn't popping off.

*Did Hank have any take on why he was saying that?*

Hank thought there was something mentally wrong with him. Because the conversation that he told me happened was that he told him that, "I'm going to plant an American flag in Las Vegas and that the Mormons run Las Vegas with the help of the gamblers. You know, Mr. Greenspun, the Mormons are a bunch of crooks." This is after he had said that when he's going to plant the American flag, I'm going to clean it up. I'm going to start with a federal judge. He didn't even know my first name, apparently, he said, "This Claiborne."

*Now, on the impeachment hearing, how many was on the committee?*

Nine, I think.

*Was that unusual to have a committee?*

They never had trial by committee before.

*Because the presumption before that was before the full Senate?*

Full Senate. You know the sad part about it? Cannon called to my attention the fact that the transcript of the hearing, when it went before the full Senate, was on their [each senator's] desk. Cannon said, "Look at the desk. You'll find a copy of the transcript on their desk just like the pages put it. Unopened. Not read." I started looking on all their desks and sure enough. Instead of being back in their chambers or back in their office. Not a single one of them was opened.

*So, the full Senate vote was actually taken without any of them looking at the transcript.*

Without even looking at the transcript.

*Do you think that there was someone in the Senate that was pushing for your impeachment or do you think it was more of an indifferent situation?*

Oh, I think it was indifference. There was only one guy that seemed to be really gung-ho during the committee hearings. He's still a senator, but I can't really name him.

*Where was he from?*

Virginia. He married a movie star [Elizabeth Taylor].

*John Warner?*

Yeah. He seemed gung-ho to get me off the bench.

*But the rest of them were just sort of indifferent. Were you in prison when the impeachment hearing was going on?*

Oh, yeah. Yeah.

*How long after the trial in Reno?*

Did I go to prison?

Yeah.

A year.

*Where was your prison?*

Alabama.

*How long did you serve?*

The whole sentence. Denied parole twice.

*What was that, a total of two years?*

Maximum sentence was one-and-a-half, or two.

*When you got out of prison, you came back to Las Vegas. I think that I read that you surrendered your law license for the State of Arkansas.*

[indicating yes]

*Tell me about the proceedings before the Nevada Supreme Court [104 Nev. 115 (1988)].*

Well, in my absence, the bar had filed a petition to disbar me. When I got back, the supreme court had a hearing on the petition. They refused to disbar me. The federal court had disbarred me the day that I left for Alabama. It was automatic. Then after, I

petitioned the federal court for reinstatement, it was denied. They ruled that, a year later, I could reopen my petition again, which I did, and they granted it.

*When was that?*

'97.

*The Nevada Supreme Court had its hearing after you had been released from prison?*

Yeah.

*So you were present at the hearing?*

Oh, yeah.

*Once your license was preserved, was that when you moved in with Rick Wright and started working with him?*

Yeah.

*So you started practicing right away again?*

Yeah.

*Have you made appearances in federal court since getting your license reinstated?*

Oh yes. I had the Horseshoe RICO case in federal court.

*Presently, you are renting space from Rick Wright and practicing law to the extent that you want to practice it.*

That's true. Taking what I want to take. Going to work when I get ready.

*I will have to tell you that I've told a lot of people that I'm doing your oral history. Everybody*

*marveled at your resiliency and the attitude that you have over the whole thing. I think that we even talked about that. You were thought very highly of by everybody. Not only for what you have done in the past but your ability to react to the adversity.*

My colleagues have been very kind to me. They've been not only understanding, but very gracious in their attitude towards me. By God, people always have been happy. I don't know why. I'm sure I don't deserve the friends I have. I'm sure of that. You know what's funny? I just never hear of anybody knocking me. That's strange. You would think a lot of people out there would hate me. The strangest thing about it is, after I got back, when I was released, I rode back on the plane with two FBI agents who had been here all during my troubles. I know they weren't there to escort me or see me home. Three seats in the plane and lo and behold, they sit down next to me. All three of us are in the same seat before either one of them recognized who they were sitting next to. When the plane was in the air, they couldn't very easily change seats. We had a nice visit all the way. Boy, they told me a lot of things I didn't know.

*When you came back, is that when you moved to Mountain Springs?*

Yes.

*What was it about Mountain Springs that caused you to move out there?*

I loved that place. I still do. I wish I had never, never sold it. I don't know. I've always been an outdoorsman. I've been fishing, hunting all my life. I enjoy it tremendously. Love the mountains. Coming back to Pahrump one weekend, I saw a sign

down the road that said "For Sale." I pulled in there and, goddamn, I liked the place from the very minute I saw it. I went and bought it.

*Was the house already on it?*

Oh yeah, and a guesthouse and a barn, a three-acre ranch.

*How long did you live out there?*

Five years.

*When you came back, was Yablonsky still in Las Vegas or had he moved on?*

No. He moved on.

